TITLE 19.—CUSTOMS DUTIES

Chap. Sec.

11. Importation of Pre-Columbian Monumental or Architectural Sculpture or Murals [New] 2091

12. Trade Act of 1974 [New] 2101

Chapter 1.—COLLECTION DISTRICTS, PORTS, AND OFFICERS

§ 2. Rearrangement and limitation of districts; changing locations.

PEMBINA, NORTH DAKOTA, CUSTOMS DISTRICT; CHANGE IN BOUNDARIES PROHIBITED WITHOUT CONGRESSIONAL CONSENT

Pub. L. 93–245, c. X, § 1000, Jan. 3, 1974, 87 Stat. 1083, provided: "That none of the funds made available under any Act shall be obligated or expended to change the boundaries of the Pembina, North Dakota Customs District (Region IX), without the consent of the Committees on Appropriations of the United States Senate and House of Representatives."

DISPLAY OF FLAG AT PORTS OF ENTRY

For provisions concerning the display of the flag of the United States Customs Ports of Entry, see Proc. No. 4131, May 5, 1972, 37 F.R. 9311, set out as a note under section 174 of Title 36, Patriotic Societies and Observances.

§§ 31, 32. Repealed. Pub. L. 92–310, title II, § 226, June 6, 1972, 86 Stat. 206.

Section 31, R.S. §§ 2619, 2620; Pub. L. 91–271, title III, § 304, June 2, 1970, 84 Stat. 292, related to bonds of customs officers.

Section 32, R.S. § 2620; Pub. L. 91–271, title III, § 305, June 2, 1970, 84 Stat. 292, related to the amounts, conditions for filing and procedures for approval of bonds required of customs officers.

§ 68. Enforcement of customs and immigration laws in Guam and the Virgin Islands and along Canadian and Mexican borders; cooperation by Secretary of Treasury and Attorney General; erection of buildings.

To aid in the enforcement of the customs and immigration laws along the Canadian and Mexican borders and to provide better facilities for such enforcement at points along such borders at which no Federal or other buildings adapted or suitably located for the purpose are available, and for similar purposes in the Virgin Islands of the United States, the Secretary of the Treasury and the Attorney General are hereby authorized to expend, and for similar purposes in Guam the Attorney General is hereby authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs and the Immigration and Naturalization Services, respectively, the necessary amounts for the acquisition of land and the erection of buildings, sheds, and office quarters, including living quarters for officers where none are otherwise available: *Provided*, That the total amount which may be so expended for any one project, including the site, shall not exceed $200,000 and that where the project is for the joint use of the Customs Service and the Immigration and Naturalization Service, the combined cost of the project, including the site, shall be charged to the two appropriations concerned. (As amended Aug. 29, 1974, Pub. L. 93–396, 88 Stat. 794.)

AMENDMENTS

1974—Pub. L. 93–396 substituted "$200,000" for "$100,000" in the proviso limiting the amount to be spent on any one project.

TRANSFER OF FUNCTIONS

All functions vested by law in the Attorney General, the Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were transferred to the Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 40, section 613.

§ 69. Same; erection of protective gates and fences across and around roads crossing borders.

TRANSFER OF FUNCTIONS

All functions vested by law in the Attorney General, the Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were transferred to the Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 3.—THE TARIFF AND RELATED PROVISIONS

§§ 124, 125.

CONVENTION BETWEEN UNITED STATES AND CUBA

The convention between the United States and the Republic of Cuba, signed on the 11th day of December, in the year 1902, referred to in the text, was terminated August 21, 1963, pursuant to notice given by the United States on August 21, 1962. See Bevans, Treaties and Other International Agreements of the United States of America, 1776–1949, vol. VI, page 1106.

SECTIONS REFERRED TO IN OTHER SECTIONS

Sections 160 to 171 are referred to in sections 1337, 2251, 2411 of this title.

§ 160. Foreign merchandise sold or likely to be sold at less than fair value.

(a) Initiation of investigation by International Trade Commission; determination of injury to United States industry; finding; publication of finding.

Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States International Trade Commission (hereinafter called the "Commission"), and the Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented

from being established, by reason of the importation of such merchandise into the United States. The Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in sections 160 to 171 of this title called a "finding") of his determination and the determination of the said Commission. For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the Commissioners of the Commission voting are evenly divided as to whether its determination should be in the affirmative or in the negative. The Secretary's finding shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

(b) Procedure when Secretary of the Treasury has not published his finding and that of International Trade Commission; determination by Secretary; publication; withholding of appraisement.

(1) In the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, he shall, within six months after the publication under subsection (c)(1) of this section of a notice of initiation of an investigation—

(A) determine whether there is reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value); and

(B) if his determination is affirmative, publish a notice of that fact in the Federal Register, and require, under such regulations as he may prescribe, the withholding of appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of that notice in the Federal Register (or such earlier date, not more than one hundred and twenty days before the date of publication under subsection (c)(1) of this section of notice of initiation of the investigation, as the Secretary may prescribe), until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subsection (a) of this section in regard to such merchandise; or

(C) if his determination is negative (or if he tentatively determines that the investigation should be discontinued), publish notice of that fact in the Federal Register.

(2) If in the course of an investigation under this subsection the Secretary concludes that the determination provided for in paragraph (1) cannot reasonably be made within six months, he shall publish notice of this in the Federal Register, together with a statement of reasons therefor, in which case the determination shall be made within nine months after the publication in the Federal Register of the notice of initiation of the investigation.

(3) Within three months after publication in the Federal Register of a determination under paragraph (1), the Secretary shall make a final determination whether the foreign merchandise in question is being or is likely to be sold in the United States at less than its fair value (or a final discontinuance of the investigation).

(c) Information to Secretary of the Treasury alleging that foreign merchandise is being sold or is likely to be sold at less than fair value; determination of whether to initiate investigation; publication; substantial doubt.

(1) The Secretary shall, within thirty days of the receipt of information alleging that a particular class or kind of merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value and that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, determine whether to initiate an investigation into the question of whether such merchandise in fact is being or is likely to be sold in the United States or elsewhere at less than its fair value. If his determination is affirmative he shall publish notice of the initiation of such an investigation in the Federal Register. If it is negative, the inquiry shall be closed.

(2) If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason by the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) of this section then in progress shall be terminated.

(d) Hearing; publication of determination, findings, conclusions, and reasons or bases therefor.

(1) Before making any determination under subsection (a) of this section, the Secretary or the Commission, as the case may be, shall, at the request of any foreign manufacturer or exporter, or any domestic importer, of the foreign merchandise in question, or of any domestic manufacturer, producer, or wholesaler of merchandise of the same class or kind, conduct a hearing at which—

(A) any such person shall have the right to appear by counsel or in person; and

(B) any other person, firm, or corporation may make application and, upon good cause shown, may be allowed by the Secretary or the Commission, as the case may be, to intervene and appear at such hearing by counsel or in person.

(2) The Secretary, upon determining whether foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value, and the Commission, upon making its determination under subsection (a) of this section, shall publish in the Federal Register such determination, whether affirmative or negative, together with a complete statement of findings and conclusions, and the reasons or bases therefor, on all the material issues of fact or law presented (consistent with confidential treatment granted by the Secretary or the Commission, as the case may be, in the course of making its determination).

(3) The hearings provided for under this section shall be exempt from sections 554, 555, 556, 557, and 702 of Title 5. The transcript of any hearing, together with all information developed in connection with the investigation (other than items to which confidential treatment has been granted by the Secretary or the Commission, as the case may be), shall be made available in the manner and to the extent provided in section 552(b) of Title 5. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 321(a), 88 Stat. 2043.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618, § 321(a)(1), substituted "United States International Trade Commission (hereinafter called the 'Commission')" for "United States Tariff Commission" and "Commission" for "said Commission."

Subsec. (b). Pub. L. 93–618, § 321(a)(2), added provisions requiring the Secretary of the Treasury, within 6 months (or in more complicated investigations within 9 months) after publication of a notice of initiation of an investigation, to make the determination as to whether there is reason to believe or suspect that the purchase price of imported merchandise is less, or the exporter's sales price is less or likely to be less, than the foreign market value or constructed value of the merchandise, and, if his determination is affirmative, publish notice thereof in the Federal Register and require the withholding of appraisement of any such merchandise, but, if his determination is negative, or if he tentatively determines that the investigation should be discontinued, publish notice thereof in the Federal Register, and order the withholding of appraisement within 3 months thereafter if he then has reason to believe or suspect that dumping is involved, but if no withholding of appraisement is ordered within 3 months, publish a final negative determination or a notice of discontinuance of the investigation.

Subsec. (c). Pub. L. 93–618, § 321(a)(2), substituted provisions covering the determination by the Secretary of whether to initiate an investigation into the question of whether merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value, for provisions directing the Secretary and the Commission to publish in the Federal Register their determination covering the sale or likelihood of sale of merchandise in the United States at less than fair value.

Subsec. (d). Pub. L. 93–618, § 321(a)(2), added subsec. (d).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 321(g)(1) of Pub. L. 93–618 provided that: "The amendments made by subsection (a) of this section [amending this section] shall apply with respect to all questions of dumping raised or presented on or after the date of the enactment of this Act [Jan. 3, 1975]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 161 to 173, 1516 of this title; title 28 section 2632.

§ 161. Amount of duty to be collected; determination of foreign market value of goods.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1516 of this title.

§ 162. Price at which merchandise has been purchased or agreed to be purchased prior to time of exportation; other additions and subtractions in determination.

For the purposes of sections 160–171 of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and less the amount, if included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 321(b), 88 Stat. 2045.)

AMENDMENTS

1975—Pub. L. 93–618 substituted "and less the amount, if included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States" for "and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States"; and substituted "and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent

that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title" for "and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 321(g)(2) of Pub. L. 93–618 provided that: "The amendments made by subsections (b) through (e) of this section [amending this section of sections 163, 164, and 170a of this title] shall apply with respect to all merchandise which is not appraised on or before the date of the enactment of this Act [Jan. 3, 1975]; except that such amendments shall not apply with respect to any merchandise which—

"(A) was exported from the country of exportation before such date of the enactment, and

"(B) is subject to a finding under the Antidumping Act, 1921 [sections 160–171 of this title], which (i) is outstanding on such date of enactment, or (ii) was revoked on or before such date of enactment but is still applicable to such merchandise."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 163 to 173 of this title.

§ 163. Price at which merchandise is sold or agreed to be sold in United States; other additions and subtractions in determination.

For the purposes of sections 160–171 of this title, the exporter's sale price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States, and (5) the amount of any increased value, including additional material and labor, resulting from a process of manufacture or assembly performed on the imported merchandise after the importation of the merchandise and before its sale to a person who is not the exporter of the merchandise within the meaning of section 166 of this title; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated, or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 321(c), 88 Stat. 2046.)

AMENDMENTS

1975—Pub. L. 93–618 struck out "and" preceding cl. (4), added cl. (5), and in the undesignated clauses following cl. (5) substituted "and plus the amount of any taxes imposed in the country of exportation directly upon the exported merchandise or components thereof, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States, but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation; and plus the amount of any taxes rebated, or not collected, by reason of the exportation of the merchandise to the United States, which rebate or noncollection has been determined by the Secretary to be a bounty or grant within the meaning of section 1303 of this title", for "and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–618 applicable with respect to all merchandise which is not appraised on or before Jan. 3, 1975, but not applicable to any merchandise exported from the country of exportation before Jan. 3, 1975, which is subject to a finding under sections 160–171 of this title outstanding on Jan. 3, 1975, or revoked on or before Jan. 3, 1975, but still applicable to such merchandise, see section 321(g)(2) of Pub. L. 93–618, set out as a note under section 162 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162, 164 to 173 of this title.

§ 164. Price of merchandise or similar merchandise sold or offered for sale in principal markets of exporting country.

(a) Determination; fictitious market; sales agencies.

For the purposes of sections 160 to 171 of this title the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or, in the absence of sales, offered for sale in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, or if the Secretary determines that the quantity sold for home consumption is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison, then

the price at which so sold or offered for sale for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of sections 160 to 171 of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account. If such or similar merchandise is sold or in the absence of sales, offered for sale through a sales agency or other organization related to the seller in any of the respects described in section 166 of this title, the prices at which such or similar merchandise is sold or, in the absence of sales, offered for sale by such sales agency or other organization may be used in determining the foreign market value.

(b) Home market sales at less than cost of production.

Whenever the Secretary has reasonable grounds to believe or suspect that sales in the home market of the country of exportation, or, as appropriate, to countries other than the United States, have been made at prices which represent less than the cost of producing the merchandise in question, he shall determine whether, in fact, such sales were made at less than the cost of producing the merchandise. If the Secretary determines that sales made at less than cost of production (1) have been made over an extended period of time and in substantial quantities, and (2) are not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade, such sales shall be disregarded in the determination of foreign market value. Whenever sales are disregarded by virtue of having been made at less than the cost of production and the remaining sales, made at not less than cost of production, are determined to be inadequate as a basis for the determination of foreign market value, the Secretary shall determine that no foreign market value exists and employ the constructed value of the merchandise in question.

(c) State-controlled economies in exporting countries.

If available information indicates to the Secretary that the economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a) of this section, the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

(1) the prices, determined in accordance with subsection (a) of this section and section 161 of this title, at which such or similar merchandise of a non-state-controlled-economy country or countries is sold either (A) for consumption in the home market of that country or countries, or (B) to other countries, including the United States; or

(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country or countries as determined under section 165 of this title.

(d) Merchandise produced in exporting countries in facilities owned or controlled by persons, firms, or corporations which also own or control other facilities producing similar merchandise in other countries.

Whenever, in the course of an investigation under sections 160 to 171 of this title, the Secretary determines that—

(1) merchandise exported to the United States is being produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which also owns or controls, directly or indirectly, other facilities for the production of such or similar merchandise which are located in another country or countries;

(2) the sales of such or similar merchandise by the company concerned in the home market of the exporting country are nonexistent or inadequate as a basis for comparison with the sales of the merchandise to the United States; and

(3) the foreign market value of such or similar merchandise produced in one or more of the facilities outside the country of exportation is higher than the foreign market value, or, if there is no foreign market value, the constructed value, of such or similar merchandise produced in the facilities located in the country of exportation,

he shall determine the foreign market value of such merchandise by reference to the foreign market value at which such or similar merchandise is sold in substantial quantities by one or more facilities outside the country of exportation. The Secretary, in making any determination under this paragraph, shall make adjustments for the difference between the costs of production (including taxes, labor, materials, and overhead) of such or similar merchandise produced in facilities outside the country of exportation and costs of production of such or similar merchandise produced in the facilities in the country of exportation, if such differences are demonstrated to his satisfaction. For the purpose of this subsection, in determining foreign market value of such or similar merchandise produced in a country outside of the country of exportation, the Secretary shall determine its price at the time of exportation from the country of exportation and shall make any adjustments required by subsection (a) of this section for the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States by reference to such costs in the country of exportation. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 321(d), 88 Stat. 2046.)

AMENDMENTS

1975—Pub. L. 93–618 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–618 applicable with respect to all merchandise which is not appraised on or before Jan. 3, 1975, but not applicable to any merchandise exported from the country of exportation before Jan. 3, 1975, which is subject to a finding under sections 160–171 of this title outstanding on Jan. 3, 1975, or revoked on or before Jan. 3, 1975, but still applicable to such merchandise, see section 321(g)(2) of Pub. L. 93–618, set out as a note under section 162 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160, 162, 165 to 173 of this title.

§ 170a. Definitions.

For the purposes of sections 160 to 171 of this title—

* * * * *

(3) The term "such or similar merchandise" means merchandise in the first of the following categories in respect of which a determination for the purposes of sections 160 to 171 of this title can be satisfactorily made:

(A) The merchandise under consideration and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, the merchandise under consideration.

(B) Merchandise (i) produced in the same country and by the same person as the merchandise under consideration, (ii) like the merchandise under consideration in component material or materials and in the purposes for which used, and (iii) approximately equal in commercial value to the merchandise under consideration.

(C) Merchandise (i) produced in the same country and by the same person and of the same general class or kind as the merchandise under consideration, (ii) like the merchandise under consideration in the purposes for which used, and (iii) which the Secretary or his delegate determines may reasonably be compared for the purposes of sections 160 to 171 of this title with the merchandise under consideration.

(4) The term "usual wholesale quantities", in any case in which the merchandise in respect of which value is being determined is sold in the market under consideration at difierent prices for different quantities, means the quantities in which such merchandise is there sold at the price or prices for one quantity in an aggregate volume which is greater than the aggregate volume sold at the price or prices for any other quantity.

(As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 321(e), 88 Stat. 2048.)

AMENDMENTS

1975—Par. (3). Pub. L. 93–618 struck out subpar. (B) relating to merchandise which was identical in physical characteristics with, and was produced by another person in the same country as, the merchandise under consideration, subpar. (D) relating to merchandise which satisfied all the requirements of subdivision (C) except that it was produced by another person, and subpar. (F) relating to merchandise which satisfied all the requirements of subdivision (E) except that it was produced by another person, and redesignated subpars. (C) and (E) as (B) and (C), respectively.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–618 applicable with respect to all merchandise which is not appraised on or before Jan. 3, 1975, but not applicable to any merchandise exported from the country of exportation before Jan. 3, 1975, which is subject to a finding under sections 160–171 of this title outstanding on Jan. 3, 1975, or revoked on or before Jan. 3, 1975, but still applicable to such merchandise, see section 321(g)(2) of Pub. L. 93–618, set out as a note under section 162 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 160 to 170, 171 to 173 of this title.

§§ 257, 258. Repealed. Pub. L. 91–654, § 3, Jan. 5, 1971, 84 Stat. 1945.

PROVISIONS INAPPLICABLE TO ENTRIES MADE IN CONNECTION WITH ARRIVALS BEFORE JAN. 5, 1971, OF VESSELS OPERATED BY OR FOR AGENCY OF UNITED STATES; REFUNDS AFTER AUG. 7, 1974, BARRED AS TO DUTY PAYMENTS MADE BEFORE JAN. 5, 1971, UNDER SECTION 257.

Pub. L. 93–368, §§ 1, 2, Aug. 7, 1974, 88 Stat. 420, provided:

"That sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) [former sections 257 and 258 of this title] shall not apply to entries made in connection with arrivals before January 5, 1971, of vessels owned by the United States, or bareboat chartered to the United States, and operated by or for the account of any department or agency of the United States.

"SEC. 2. On or after the date of the enactment of this Act [Aug. 7, 1974], no department or agency of the United States shall be entitled to a refund of any duties paid before January 5, 1971, by any department or agency of the United States under section 3114 of the Revised Statutes of the United States [former section 257 of this title]."

Chapter 4.—TARIFF ACT OF 1930

SUBTITLE I.—TARIFF SCHEDULES OF THE UNITED STATES

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(a), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

PROC. NO. 4074. IMPOSITION OF SUPPLEMENTAL DUTY FOR BALANCE OF PAYMENTS PURPOSES

Proc. No. 4031, Aug. 15, 1971, 36 F.R. 15724, as amended by Proc. No. 4098, Dec. 20, 1971, 36 F.R. 2420, provided:

WHEREAS, there has been a prolonged decline in the international monetary reserves of the United States, and our trade and international competitive position is seriously threatened and, as a result, our continued ability to assure our security could be impaired;

WHEREAS, the balance of payments position of the United States requires the imposition of a surcharge on dutiable imports;

WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including, but not limited to, the Tariff Act of 1930, as amended [this chapter] (hereinafter referred to as "the Tariff Act"), and the Trade Expansion Act of 1962 [section 1801 et seq. of this title] (hereinafter referred to as "the TEA"), the President entered into, and proclaimed tariff rates under trade agreements with foreign countries;

WHEREAS, under the Tariff Act, the TEA, and other provisions of law, the President may, at any time, modify or terminate, in whole or in part, any proclamation made under his authority;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

A. I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

B. [Terminated by Proc. No. 4098, Dec. 20, 1971, 36 F.R. 2420.]

C. [Terminated by Proc. No. 4098, Dec. 30, 1971, 36 F.R. 2420.]

D. This Proclamation shall be effective 12:01 a.m., August 16, 1971.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

RICHARD NIXON.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 13 section 301; title 16 section 1540.

§ 1202. Revised Tariff Schedules.

[28 F.R. 8625]

1. *Tariff treatment of imported articles.*—All articles imported into the customs territory of the United States from outside thereof are subject to duty or exempt therefrom as prescribed in general headnote 3.

2. *Customs territory of the United States.*—The term "customs territory of the United States", as used in the schedules, includes only the States, the District of Columbia, and Puerto Rico.

3. *Rates of duty.*—The rates of duty in the "Rates of Duty" columns numbered 1 and 2 of the schedules apply to articles imported into the customs territory of the United States as hereinafter provided in this headnote:

(a) *Products of insular possessions:*

(i) Except as provided in headnote 4 of schedule 7, part 7, subpart A, and in headnote 6 of schedule 7, part 2, subpart E, articles, imported from insular possessions of the United States which are outside the customs territory of the United States are subject to the rates of duty set forth in column numbered 1 of the schedules, except that all such articles the growth or product of any such possession, or manufactured or produced in any such possession from materials the growth, product, or manufacture of any such possession or of the customs territory of the United States, or of both, which do not contain foreign materials to the value of more than 50 percent of their total value (or more than 70 percent of their total value with respect to watches and watch movements), coming to the customs territory of the United States directly from any such possession, and all articles previously imported into the customs territory of the United States with payment of all applicable duties and taxes imposed upon or by reason of importation which were shipped from the United States, without remission, refund, or drawback of such duties or taxes, directly to the possession from which they are being returned by direct shipment, are exempt from duty.

(ii) In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 percent, no material shall be considered foreign which, at the time such article is entered, may be imported into the customs territory from a foreign country, other than Cuba or the Philippine Republic, and entered free of duty.

(iii) Subject to the limitations imposed under sections 503(b) and 504(c) of the Trade Act of 1974 [section 2463(b) and 2464(c) of this title], articles designated eligible articles under section 503 of such Act [section 2463 of this title] which are imported from an insular possession of the United States shall receive duty treatment no less favorable than the treatment afforded such articles imported from a beneficiary developing country under the V of such Act [section 2461 et seq. of this title].

* * * * *

(e) *Products of Communist countries.*—Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the following countries and areas pursuant to section 401 of the Tariff Classification Act of 1962, to section 231 or 257(e)(2) of the Trade Expansion Act of 1962, or to action taken by the President thereunder:

Albania,
Bulgaria,
China (any part of which may be under Communist domination or control),
Cuba,[1]
Czechoslovakia,
Estonia,
Germany (the Soviet zone and the Soviet sector of Berlin),
Hungary,
Indochina (any part of Cambodia, Laos, or Vietnam which may be under Communist domination or control),
Korea (any part which may be under Communist domination or control),
Kurile Islands,
Latvia,
Lithuania,
Outer Mongolia,
Southern Sakhalin,
Tanna Tuva,
Tibet,
Union of Soviet Socialist Republics and the area in East Prussia under the provisional administration of the Union of Soviet Socialist Republics.

* * * * *

[1] In Proclamation 3447, dated Feb. 3, 1962, the President, acting under authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, prohibited the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba, subject to such exceptions as the Secretary of the Treasury determines to be consistent with the effective operation of the embargo.

REFERENCES IN TEXT

Section 401 of the Tariff Classification Act of 1962, referred to in par. 3(e), is set out as a note under section 1861 of this title.

Section 231 of the Trade Expansion Act of 1962, referred to in par. 3(e), was classified to section 1861 of this title, and was repealed by Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section 257(e)(2) of the Trade Expansion Act of 1962, referred to in par. 3(e), is set out as a note under section 1362 of this title.

Section 501(a) of the Tariff Classification Act of 1962 (P.L. 87–456, approved May 24, 1962), and section 102 of the said Act, referred to in par. 3(g), are set out in a note preceding section 1202 of this title.

Section 336 of the Tariff Act of 1930, referred to in par. 4(c), is classified to section 1336 of this title.

Sections 402 and 402a of the tariff act, referred to in par. 6(b)(i), probably are references to sections 402 and 402a of the Tariff Act of 1930, which are classified to sections 1401a and 1402 of this title.

AMENDMENTS

1975—General headnote 3(a), subpar. (i), amended by Pub. L. 94–88, title I, §§ 1, 2, Aug. 9, 1975, 89 Stat. 433, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 9, 1975.

General headnote 3(a)(iii) added by Pub. L. 93–618, title V, § 502(d), Jan. 3, 1975, 88 Stat. 2068.

General headnote 3(e) amended by Proc. No. 4369, Apr. 24, 1975, 40 F.R. 18389, to delete "Rumania" effective Apr. 24, 1975.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1321, 1337, 2135, 2253, 2431 to 2434, 2437, 2439, 2463, 2481, 2483 of this title; title 15 section 2066; title 28 section 2602; title 50 section 98h–1.

SCHEDULE 1.—ANIMAL AND VEGETABLE PRODUCTS

[28 F.R. 8629]

PART 2.—MEATS

[28 F.R. 8633]

* * * * *

PROC. NO. 4114. QUANTITATIVE LIMITATION ON IMPORTATION OF CERTAIN MEATS

Proc. No. 4114, Mar. 9, 1972, 37 F.R. 5113, provided:

WHEREAS section 2(a) of the Act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the Act") [set out as a note under this section], declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the Act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which in the absence of the limitations under the Act would be imported during such calendar year (hereafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2(a) and (b) of the Act, estimated the adjusted base quantity of meat for the calendar year 1972 to be 1,042.4 million pounds and estimated the potential aggregate imports of meat for 1972 to be 1,240 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1972, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1972 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the Act is in effect with respect to the calendar year 1972; and

WHEREAS section 2(c)(1) of the Act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the Act; and

WHEREAS section 2(d) of the Act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the Act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the Act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the Act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the Act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1972, is limited to 1,042.4 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the Act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1972 unless because of changed circumstances it becomes necessary to take further action under the Act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the Act.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of March, in the year of our Lord nineteen hundred and seventy-two, and of the Independence of the United States of America, the one hundred and ninety-sixth.

RICHARD NIXON.

PROC. NO. 4183. QUANTITATIVE LIMITATION ON IMPORTATION OF CERTAIN MEATS

Proc. No. 4183, Jan. 29, 1973, 38 F.R. 2951, provided:

WHEREAS section 2(a) of the act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the act") [set out as a note under this section], declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referred to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and pub-

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Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

lish quarterly the aggregate quantity of meat which in the absence of the limitations under the act would be imported during such calendar year (hereafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2(a) and (b) of the act, estimated the adjusted base quantity of meat for the calendar year 1973 to be 1,046.8 million pounds and estimated the potential aggregate imports of meat for 1973 to be 1,450 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1973, as estimated by the Secretary of Agriculture, exceed 110 percent of the adjusted base quantity of meat for the calendar year 1973 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the act is in effect with respect to the calendar year 1973; and

WHEREAS section 2(c)(1) of the act requires the President in such circumstances to limit by proclamation the total quantity of meat which may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the act; and

WHEREAS section 2(d) of the act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the act, the total quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1973, is limited to 1,046.8 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1973 unless because of changed circumstances it becomes necessary to take further action under the act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON.

PROC. NO. 4272. QUANTITATIVE LIMITATION ON IMPORTATION OF CERTAIN MEATS

Proc. No. 4272, Feb. 26, 1974, 39 F.R. 7777, provided:

WHEREAS section 2(a) of the act of August 22, 1964 (78 Stat. 594, 19 U.S.C. 1202 note) (hereinafter referred to as "the act") [set out as a note under this section], declares that it is the policy of the Congress that the aggregate quantity of the articles specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States (hereinafter referreed to as "meat") which may be imported into the United States in any calendar year beginning after December 31, 1964, shall not exceed a quantity to be computed as prescribed in that section (hereinafter referred to as "adjusted base quantity"); and

WHEREAS section 2(b) of the act provides that the Secretary of Agriculture for each calendar year after 1964 shall estimate and publish the adjusted base quantity for such calendar year and shall estimate and publish quarterly the aggregate quantity of meat which, in the absence of the limitations under the act, would be imported during such calendar year (hereinafter referred to as "potential aggregate imports"); and

WHEREAS the Secretary of Agriculture, pursuant to sections 2 (a) and (b) of the act, estimated the adjusted base quantity of meat for the calendar year 1974 to be 1,027.9 million pounds and estimated the potential aggregate imports of meat for 1974 to be 1,575.0 million pounds; and

WHEREAS the potential aggregate imports of meat for the calendar year 1974, as estimated by the Secretary of Agriculture, exceeds 110 percent of the adjusted base quantity of meat for the calendar year 1974 estimated by the Secretary of Agriculture; and

WHEREAS no limitation under the act is in effect with respect to the calendar year 1974; and

WHEREAS section 2(c)(1) of the act requires the President in such circumstances to limit by proclamation the total quantitiy of meat which may be entered, or withdrawn from warehouse, for consumption, during the calendar year, to the adjusted base quantity estimated for such calendar year by the Secretary of Agriculture pursuant to section 2(b)(1) of the act; and

WHEREAS section 2(d) of the act provides that the President may suspend the total quantity proclaimed pursuant to section 2(c) of the act if he determines and proclaims that such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry; and

WHEREAS section 2(d) of the act further provides that such suspension shall be for such period as the President determines and proclaims to be necessary to carry out the purposes of section 2(d);

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President and pursuant to section 2 of the act, do hereby proclaim as follows:

(1) In conformity with and as required by section 2(c)(1) of the act, the total quantity of the article specified in item 106.10 (relating to fresh, chilled, or frozen cattle meat) and item 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of part 2B, schedule 1 of the Tariff Schedules of the United States which may be entered, or withdrawn from warehouse, for consumption during the calendar year 1974, is limited to 1,027.9 million pounds.

(2) It is hereby determined pursuant to section 2(d) of the act that the suspension of the limitation proclaimed in paragraph (1) is required by overriding economic interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry.

(3) The limitation proclaimed in paragraph (1) is suspended during the calendar year 1974 unless, because of changed circumstances, it becomes necessary to take further action under the act. It is hereby determined necessary that such suspension shall be for such period in order to carry out the purposes of section 2(d) of the act.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of February, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

RICHARD NIXON.

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 10.—SUGAR; COCOA; CONFECTIONERY

[28 F.R. 8669]

Item	Articles	Rates of duty	
		1	2
	Subpart A.—Sugars, Sirups, and Molasses		
	Subpart A headnotes.		
	1. The term "degree", as used in the "Rates of duty" columns of this subpart, means sugar degree as determined by polariscopic test.		
	2. The rates in column numbered 1 in items 155.20 and 155.30 on January 1, 1968, shall be effective only during such time as title II of the Sugar Act of 1948 or substantially equivalent legislation is in effect in the United States, whether or not the quotas, or any of them, authorized by such legislation, are being applied or are suspended: *Provided*,		
	(i) That, if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, to be effective not later than the 90th day following the termination of the effectiveness of such legislation.		
	(ii) That any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; and		
	(iii) That the January 1, 1968, rates shall resume full effectiveness, subject to the provisions of this headnote, if legislation substantially equivalent to title II of the Sugar Act of 1948 should subsequently become effective.		
	3. The total amount of sugars, sirups, and molasses described in items 155.60 and 155.30, the products of all foreign countries, entered in any calendar year shall not exceed, in the aggregate, 7,000,000 short tons, raw value. For the purposes of this headnote, the term "*raw value*" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:		
	(i) For sugar described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).		
	(ii) For sugar described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.		
	(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.		
	Sugar beets and sugar cane:		
	In their natural state:		
155.10	Sugar beets	80¢ per short ton	80¢ per short ton.
155.12	Sugar cane	$2.50 per short ton	$2.50 per short ton.
155.15	In other forms suitable for the commercial extraction of sugar	0.5¢ per lb. of total sugars	1.5¢ per lb. of total sugars.
	Sugars, sirups, and molasses, derived from sugar cane or sugar beets:		
155.20	Principally of crystalline structure or in dry amorphous form	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.	1.9875¢ per lb. less 0.028125¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.284375¢ per lb.
155.21	If products of Cuba	0.53¢ per lb. less 0.0075¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.3425¢ per lb. (s).	
	Not principally of crystalline structure and not in dry amorphous form:		
155.30	Containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids.	Dutiable on total sugars at the rate per lb. applicable under item 155.20 to sugar testing 100 degrees.	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.
• • •	• • •	• • •	• • •

Headnote 3, subpart A, added by Proc. No. 4334, Nov. 16, 1974, 39 F.R. 40739, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1975.

Items 155.20 and 155.30 amended by Proc. No. 4334, Nov. 16, 1974, 39 F.R. 40739, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1975.

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

SCHEDULE 4.—CHEMICALS AND RELATED PRODUCTS [28 F.R. 8781]

PART 1.—BENZENOID CHEMICALS AND PRODUCTS
[28 F.R. 8783]

Item	Articles	Rates of duty	
		1	2
• • •	• • •	• • •	• • •
	Subpart C.—Finished Organic Chemical Products		
• • •	• • •	• • •	• • •
	Trinitrotoluene:		
405.04	Valued not over 15 cents per pound	1.7¢ per lb.+11% ad val.	7¢ per lb.+45% ad val.
405.05	Valued over 15 cents per pound	Free	7¢ per lb.+45% ad val.
• • •	• • •	• • •	• • •

Item 405.04. Article description preceding item 405.04, formerly item 405.04, so redesignated and items 405.04 and 405.05 added by Pub. L. 92–151, § 2(a), (c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1972.

PROCLAMATION OF DUTY RATE FOR TRINITROTOLUENE VALUED OVER 15 CENTS PER POUND; STATUS OF CHANGE

Section 2(a) of Pub. L. 92–151, Nov. 5, 1971, 85 Stat. 417, provided in part that: "The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 405.05 (as added by this subsection) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

PROCLAMATION OF DUTY RATE FOR TRINITROTOLUENE VALUED NOT OVER 15 CENTS PER POUND; STATUS OF CHANGE

Section 2(b) of Pub. L. 92–151, Nov. 5, 1971, 85 Stat. 417, provided that: "The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 405.04 (as amended by subsection (a) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

PART 2.—CHEMICAL ELEMENTS, INORGANIC AND ORGANIC COMPOUNDS, AND MIXTURES
[28 F.R. 8793]

Item	Articles	Rates of duty	
		1	2
• • •	• • •	• • •	• • •
	Subpart C.—Inorganic Chemical Compounds		
• • •	• • •	• • •	• • •
	Aluminum compounds:		
• • •	• • •	• • •	• • •
417.12	Hydroxide and oxide (alumina)	Free	0.5¢ per lb.
• • •	• • •	• • •	• • •
	Subpart D.—Organic Chemical Compounds		
• • •	• • •	• • •	• • •
	Alcohols, monohydric, unsubstituted:		
• • •	• • •	• • •	• • •
	Methyl:		
427.96	Imported only for use in producing synthetic natural gas (SNG) or for direct use as a fuel.	Free	18¢ per gal.
427.97	Other	7.6¢ per gal.	18¢ per gal.
• • •	• • •	• • •	• • •

Item 417.12 amended by Pub. L. 92–151, § 1(a)(1),(c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

Item 427.96 amended by Pub. L. 93–482, §§ 1, 2(a), Oct. 26, 1974, 88 Stat. 1456, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 26, 1974.

Item 427.97 added by Pub. L. 93–482, §§ 1,2(a), Oct. 26, 1974, 88 Stat. 1456, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 26, 1974.

STATUS OF RATES OF DUTY ESTABLISHED BY PUB. L. 93–482 AS PROCLAIMED BY PRESIDENT

Pub. L. 93–482, § 2(b), Oct. 26, 1974, 88 Stat. 1456, provided that: "The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by the first section of this Act [adding item 427.97 and amending item 427.96] shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

PROCLAMATION OF DUTY RATES FOR ALUMINUM HYDROXIDE AND OXIDE (ALUMINA); BAUXITE, CALCINED; AND BAUXITE ORE; STATUS OF CHANGES; SUPERSEDURE OF STAGED RATES IN ANNEX III TO PROC. NO. 3822

Pub. L. 92–151, § 1(b), Nov. 5, 1971, 85 Stat. 417, provided that: "The rates of duty for items 417.12, 521.17, and 601.06 in rate column numbered 1 of the Tariff Schedules of the United States, as amended by subsection (a) [amendments relating to items 417.12, 521.17, 601.06], shall (1) be treated as not having the status of statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carrying out foreign trade agreements to which the United States is a party, and (2) supersede the staged rates of duty provided for such items in Annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, part II, p. 19037)."

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 10.—PETROLEUM, NATURAL GAS, AND PRODUCTS DERIVED THEREFROM
[28 F.R. 8827]

Item	Articles	Rates of duty	
		1	2
	• • •		

SUSPENSION OF TARIFFS

Section 16 of Proc. No. 3279, as amended, set out as a note under section 1862 of this title, suspends, effective May 1, 1973, tariffs upon imports of petroleum and petroleum products listed in this part.

SCHEDULE 5.—NONMETALLIC MINERALS AND PRODUCTS [28 F.R. 8837]

PART 1.—NONMETALLIC MINERALS AND PRODUCTS, EXCEPT CERAMIC PRODUCTS AND GLASS AND GLASS PRODUCTS
[28 F.R. 8839]

Item	Articles	Rates of duty	
		1	2
• • •	• • •	• • •	• • •
	Subpart J.—Miscellaneous Nonmetallic Minerals and Products		
• • •	• • •	• • •	• • •
521.17	Bauxite calcined	Free	$1 per ton.[2]
• • •	• • •	• • •	• • •

Item 521.17 amended by Pub. L. 92–151, § 1(a)(2), (c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

PROCLAMATION OF DUTY RATE FOR BAUXITE, CALCINED; STATUS OF CHANGE; SUPERSEDURE OF STAGED RATE IN ANNEX III TO PROC. NO. 3822

Treatment of duty rate for bauxite, calcined, as a Presidential proclamation rather than Congressional enactment, and supersedure of staged rate for such item in Annex III to Proc. No. 3822, see note set out under Part 2 of Schedule 4 of the Tariff Schedules.

SCHEDULE 6.—METALS AND METAL PRODUCTS [28 F.R. 8865]

PART 1.—METAL-BEARING ORES AND OTHER METAL-BEARING MATERIALS
[28 F.R. 8867]

Item	Articles	Rates of duty	
		1	2
• • •	• • •	• • •	• • •
	Metal-bearing ores and the dross or residuum from burnt pyrites:		
• • •	• • •	• • •	• • •
601.06	Bauxite	Free	$1 per ton.[1]
	• • •	• • •	• • •

Item 601.06 amended by Pub. L. 92–151, § 1(a)(3), (c), Nov. 5, 1971, 85 Stat. 417, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971.

PROCLAMATION OF DUTY RATE FOR BAUXITE ORE; STATUS OF CHANGE; SUPERSEDURE OF STAGED RATE IN ANNEX III TO PROC. NO. 3822

Treatment of duty rate for bauxite ore, as a Presidential proclamation rather than Congressional enactment, and supersedure of staged rate for such item in Annex III to Proc. No. 3822, see note set out under Part 2 of Schedule 4 of the Tariff Schedules.

PART 2.—METALS, THEIR ALLOYS, AND THEIR BASIC SHAPES AND FORM
[28 F.R. 8873]

Item	Articles	Rates of duty	
		1	2
• • •	• • •	• • •	• • •
	Subpart B.—Iron or Steel		
	Plates and sheets of iron or steel, not cut, not pressed, and not stamped to nonrectangular shape (except as provided in item 609.17):		
• • •	• • •	• • •	• • •
608.89	Clad	14% ad val.	30% ad val.
608.90	Imported for use in the manufacture of maple sap evaporators	Free	1¢ per lb.
	Other:		
608.91	Valued not over 10 cents per pound	8% ad val.	1¢ per lb.
608.92	Valued over 10 cents per pound	0.8¢ per lb	1¢ per lb.
• • •	• • •	• • •	• • •

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

Item 608.89, formerly 608.90, so redesignated, and item 608.90 and article description preceding item 608.91 added by Pub. L. 92–151, § 3(a),(c), Nov. 5, 1971, 85 Stat. 418, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Nov. 5, 1971.

PROCLAMATION OF DUTY RATES FOR PLATES AND SHEETS OF IRON OR STEEL; STATUS OF CHANGES; SUPERSEDURE OF STAGED RATES IN ANNEX III TO PROC. NO. 3822

Pub. L. 92–151, § 3(b), Nov. 5, 1971, 85 Stat. 418, provided that: "The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for items 608.89, 608.90, 608.91, and 608.92 (as amended by subsection (a)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. Such rates shall not supersede the staged rates of duties provided for such items in Annex III to Proclamation 3822, dated December 16, 1967, and the reference to item 608.90 in such Annex shall be treated as referring to item 608.89."

PART 3.—METAL PRODUCTS

[28 F.R. 8905]

Item	Articles	Rates of duty 1	Rates of duty 2
	• • •		
	Subpart E.—Tools, Cutlery, Forks and Spoons		
	• • •		
	Handsewing or darning needles, bodkins, crochet hooks, embroidery stilettos, other hand needles, and upholstery regulators, upholsterer's regulating needles, and upholsterer's pins, all the foregoing, of metal; and needle books and needle cases, furnished with assortments of hand needles only:		
	Needle books and needle cases:		
651.01	Valued under $1.25 per dozen books or cases	22.5% ad val.	45% ad val.
651.03	Valued $1.25 or more per dozen books or cases	15% ad val.	45% ad val.
651.04	Embroidery stilettos	11% ad val.	45% ad val.
	Other:		
651.05	Hand sewing or darning needles	Free	Free.
651.06	Upholstery regulators, upholsterer's regulating needles, and upholsterer's pins.	Free	Free.
• • •	• • •	• • •	• • •

Item 651.01. Article description preceding item 651.01 amended by Pub. L. 93–625, § 1(a)(1), (b), Jan. 3, 1975, 88 Stat. 2108, 2109, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 3, 1975.

Item 651.04 and 651.06 amended and added by Pub. L. 93–625, § 1(a)(2), (3), (b), Jan. 3, 1975, 88 Stat. 2109, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 3, 1975.

STATUS OF NEW ITEM

Section 1(c) of Pub. L. 93–625, Jan. 3, 1975, 88 Stat. 2109 provided that: "The duty free treatment applied to upholstery regulators, upholsterer's regulating needles, and upholsterer's pins under item 651.06 of the Tariff Schedules of the United States (as added by subsection (a)) shall be treated as not having the status of a statutory provision enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party."

SCHEDULE 7.—SPECIFIED PRODUCTS; MISCELLANEOUS AND NONENUMERATED PRODUCTS [28 F.R. 8943]

PART 3.—MUSICAL INSTRUMENTS, PARTS, AND ACCESSORIES

[28 F.R. 8973]

I tem	Articles	Rates of duty 1	Rates of duty 2
	• • •		

PROC. NO. 4189. EXTENSION OF INCREASED RATE OF DUTY ON IMPORTS OF CERTAIN PIANOS

Proc. No. 4189, Feb. 20, 1973, 38 F.R. 4935, provided:

Pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (hereinafter "TEA"), the President, by Proclamation No. 2929 of June 2, 1951, No. 3140 of June 13, 1956, and No. 3822 of December 16, 1967 (65 Stat. c12, 70 Stat. c33, and 82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

Among the proclaimed modifications were modifications in the rate of duty on pianos which were provided for in item 725.02 of the Tariff Schedules of the United States (19 U.S.C. 1202) (hereinafter "TSUS");

Pursuant to sections 201(a)(2) and 351(a)(1) of the TEA (19 U.S.C. 1821(a)(2), 19 U.S.C. 1981(a)(1)), and in accordance with section 253(d) of said Act (19 U.S.C. 1883(d)), and Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58, 8 UST (pt. 2) 1786), the President by Proclamation No. 3964 of February 21, 1970 (84 Stat. 2212) proclaimed two new items in the TSUS for pianos, including item 725.01 applicable to pianos, except grand pianos, and also proclaimed increased duties on imports of such pianos in item 924.00 of Subpart A of Part 2 of the Appendix to the TSUS, which increased duties are scheduled to terminate on February 21, 1973;

In accordance with section 351(c)(2) of the TEA (19 U.S.C. 1981(c)(2)), after taking into account advice received from the Tariff Commission under section 351(d)(3) of the TEA (19 U.S.C. 1981(d)(3)) and after seeking advice of the Secretaries of Commerce and Labor, I have determined that the extension as hereinafter proclaimed of the increased duties currently in effect on imports of pianos, except grand pianos, provided for in item 924.00 of the TSUS from February 21, 1973 to February 20, 1974, is in the national interest;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 201(a)(2) and 351(c)(2) of the Trade Expansion Act, and in accordance with section 253(d) of said Act and Article XIX of the General Agreement on Tariffs and Trade, do proclaim that—

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

(1) The column numbered 1 rates of duty provided for in TSUS item 725.01 by Proclamation 3822, as modified by paragraph 2(b) of Proclamation 3964, are hereby further modified to read as follows:

	"Rate of duty effective on and after—		
	Feb. 21, 1970	Jan. 1, 1975	Jan. 1, 1976.
725.01	11.5% ad val.	10% ad val.	8.5% ad val."

(2) The increased rate of duty on imports of pianos provided for in item 924.00 of Subpart A to Part 2 of the Appendix to the TSUS is extended to articles entered, or withdrawn from warehouse, for consumption on and after February 21, 1973, and before the close of February 20, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February in the year of our Lord nineteen hundred and seventy-three, and of the Independence of the United States of America the one hundred and ninety-seventh.

RICHARD NIXON.

APPENDIX TO THE TARIFF SCHEDULES

PART 1.—TEMPORARY LEGISLATION

Item	Articles	Rates of duty 1	Rates of duty 2	Effective period
• • •	• • •	• • •	• • •	• • •
	Subpart B.—Temporary Provisions Amending the Tariff Schedules.			
	Subpart B headnotes: 1. Any article described in the provisions of this subpart, if entered during the period specified in the last column, is subject to duty at the rate set forth herein in lieu of the rate provided therefor in schedules 1 to 8, inclusive. 2. Articles exempted under item 915.25 from the payment of duty shall be exempt also from the payment of any internal revenue tax imposed upon or by reason of importation. 3. (a) Items 911.10 911.11, 911.13, 911.14, 911.15, and 911.16 shall not apply when the market price of copper is under 51 cents per pound. (b) For purposes of subparagraph (a), the market price of copper has the meaning assigned to it by headnote 5(b) of the headnotes of schedule 6, part 2, subject C. (c) For purposes of subparagraph (a), the market price of copper shall be considered to be under 51 cents per pound only on and after the 20th day after the date of a report by the United States Tariff Commission to the Secretary of the Treasury that it has determined that the market price has been under 51 cents per pound for one calendar month. After any such report, the market price shall be considered as not being under 51 cents per pound only on and after the 20th day after the date of a report by the Commission to the Secretary that it has determined that the market price has been 51 cents or more per pound for one calendar month. (d) Determinations by the Commission under this headnote shall be made in the manner prescribed by headnote 5(e) of schedule 6, part 2, subpart C.			
	Horses, other than for immediate slaughter (provided for in part 1, schedule 1):			
903.50	Valued not over $150 per head (item 100.73)	Free	No change	On or before 6/30/76.
903.51	Valued over $150 per head (item 100.74)	Free	No change	On or before 6/30/76.
	Feathers and downs, whether or not on the skin, crude, sorted (including feathers simply strung for convenience in handling or transportation), treated, or both sorted and treated, but not otherwise processed (provided for in item 186.15, part 15D, schedule 1):			
903.70	Meeting both test methods 4 and 10.1 of Federal Standard 148a promulgated by the General Services Administration.	Free	No change	On or before 6/30/79.
903.80	Other	Free	Free	On or before 6/30/79.
903.90	Istle, processed (provided for in item 192.70, part 15G, schedule 1).	Free	Free	On or before 6/30/78.
	Yarns, wholly of noncontinuous silk fibers (provided for in part 1D, schedule 3):			
905.30	Singles, not bleached and not colored, measuring over 58,800 yards per pound (item 308.40).	Free	Free	On or before 11/7/75.
905.31	Plied, not bleached and not colored, measuring over 29,400 yards per pound (item 308.50).	Free	Free	On or before 11/7/75.
907.15	[Repealed.]			
• • •	• • •	• • •	• • •	• • •
907.50	Caprolactam monomer in water solution (provided for in item 403.70, part 1B, schedule 4).	Free	No change	On or before 12/31/73.
907.60	Carboxymethyl cellulose sodium salts of a purity not exceeding 98 percent nor less than 95 percent by weight on a dry weight basis (provided for in item 465.87, part 8A, schedule 4).	Free	No change	On or before 6/30/75.
907.80	Logwood, canaigre, chestnut, curupay, divi-divi, eucalyptus, hemlock, larch, tara, mangrove, myrobalan, oak, quebracho, sumac, urunday, wattle, and valonia, all the foregoing provided for in items 470.15, 470.23, 470.25, 470.55, 470.57, and 470.65, part 9A, schedule 4.	Free	Free	On or before 6/30/78.

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

APPENDIX TO THE TARIFF SCHEDULES—Continued
PART 1.—TEMPORARY LEGISLATION—Continued

Item	Articles	Rates of duty 1	Rates of duty 2	Effective period
	Subpart B.—Temporary Provisions Amending the Tariff Schedules—Continued			
909.01	Graphite, crude and refined, natural (provided for in item 517.21, 517.24, or 517.27, part 1E, schedule 5).	Free	No change	On or before 6/30/78.
• • •	• • •	• • •	• • •	• • •
909.30	[Repealed.]			
911.00	Zinc-bearing ores (provided for in item 602.20, part 1, schedule 6).	Free on zinc content	No change	On or before 6/30/78.
911.01	Zinc dross and zinc skimmings (provided for in item 603.30, part 1, schedule 6).	Free	No change	On or before 6/30/78.
911.02	Zinc-bearing materials (provided for in items 603.49, 603.50, 603.54 and 603.55, part 1, schedule 6).	Free on zinc content	No change	On or before 6/30/78.
911.03	Zinc waste and scrap (provided for in item 626.10, part 2, schedule 6).	Free	No change	On or before 6/30/78.
911.05	[Repealed.]			
911.07	Manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27, part 1, schedule 6).	Free	1¢ per lb. on manganese	On or before 6/30/76.

Item	Articles	Rates of duty 1-a	Rates of duty 1-b	Rates of duty 2	Effective period
	Metal waste and scrap (provided for in part 2, schedule 6), except lead, zinc, and tungsten waste and scrap: unwrought metal (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (a) which are defective or damaged, or have been produced from melted down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying, and (b) which cannot be commercially used without remanufacture; relaying or rerolling rails; and articles of metal (except articles of lead, of zinc, or of tungsten, and not including metal-bearing materials provided for in schedule 4 or in part 1 of schedule 6 and not including unwrought metal provided for in part 2 of schedule 6) to be used in remanufacture by melting:				
911.10	Copper waste and scrap	Free	No change	No change	On or before 6/30/78 (see headnote 3 of this subpart).
911.11	Articles of copper	Free	No change	No change	On or before 6/30/78 (see headnote 3 of this subpart
911.12	Other	Free	Free	Free	On or before 6/30/78.

Item	Articles	Rates of duty 1	Rates of duty 2	Effective period
911.13	Copper bearing ores and materials (provided for in items 602.30 or 603.50, part 1, schedule 6).	Free of duty imposed on copper content under items 602.30 or 603.50.	No change	On or before 6/30/75 (see headnote 3 of this subpart), when headnote 5, part 1, schedule 6 is inapplicable.

Item	Articles	Rates of duty 1-a	Rates of duty 1-b	Rates of duty 2	Effective period
911.14	Cemented copper and copper precipitates (provided for in item 612.02, part 2C, schedule 6).	Free	No change	No change	On or before 6/30/75 (see headnote 3 of this subpart).
911.15	Black copper, blister copper, anode copper (provided for in item 612.03, part 2C, schedule 6).	Free	No change	No change	On or before 6/30/75 (see headnote 3 of this subpart).
911.16	Other unwrought copper (provided for in item 612.06, part 2C, schedule 6).	Free	No change	No change	On or before 6/30/75 (see headnote 3 of this subpart).

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

APPENDIX TO THE TARIFF SCHEDULES—Continued
PART 1.—TEMPORARY LEGISLATION—Continued

Item	Articles	Rates of duty		Effective period
		1	2	
	Subpart B.—Temporary Provisions Amending the Tariff Schedules—Continued			
911.25	Synthetic rutile (provided for in item 603.70, pt. 1, schedule 6).	Free	No change	On or before 6/30/77.
911.40	Catalysts of platinum and carbon (provided for in item 656.05, part 3G, schedule 6) when imported for use in producing caprolactam.	Free	Free	On or before 10/31/75.
911.70	Copying lathes used for making rough or finished shoe lasts from models of shoe lasts and, in addition, capable of producing more than one size shoe last from a single size model of a shoe last (provided for in item 674.42, part 4F, schedule 6).	Free	Free	On or before 6/30/76.
912.05	Generator lighting sets for bicycles (provided for in item 653.39, part 3F, schedule 6).	Free	No change	On or before 12/31/76.
912.08	Open-top hopper cars exported for repairs or alterations (provided for in item 690.15, part 6A, schedule 6).	Free	No change	On or before 6/30/75.
912.10	Derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, multiple freewheel sprockets (provided for in item 732.36, part 5C, schedule 7).	Free	No change	On or before 12/31/76.
915.25	Articles constituting a bona fide gift from a member of the Armed Forces of the United States serving in a combat zone (within the meaning of section 112(c) of the Internal Revenue Code of 1954) to the extent such articles in any shipment do not exceed $50 in aggregate retail value in the country of shipment and with such limitations on the importation of alcoholic beverages and tobacco products as the Secretary of the Treasury may prescribe, if such articles were purchased in or through authorized agencies of the Armed Forces of the United States or in accordance with regulations prescribed by the Secretary of Defense.	Free (see headnote 2 of this subpart).	Free (see headnote 2 of this subpart).	On or before 12/31/73.

Headnote 3 of subpart B and items 911.10, 911.11, and 911.13 to 911.16 amended by Pub. L. 93–77, §§ 1, 2, July 30, 1973, 87 Stat. 176, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 1973.

Items 903.50 and 903.51 added by Pub. L. 93–484, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1459, applicable with respect to articles entered, or withdrawn from warehouse, for consumption or or after Oct. 26, 1974.

Items 903.70 and 903.80 added by Pub. L. 93–480, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1454, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 180th day after Oct. 26, 1974.

Item 903.90 amended by Pub. L. 94–46, § 1, June 30, 1975, 89 Stat. 245, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after September 5, 1975.

Item 903.90 amended by Pub. L. 93–99, § 2(a), (b)(1), Aug. 16, 1973, 87 Stat. 341, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 16, 1973.

Items 905.30 and 905.31 amended by Pub. L. 93–499, § 1(a), (b), Oct. 29, 1974, 88 Stat. 1549, applicable with respect to articles entered, or withdrawn from warehouse, for consumption or on after Oct. 29, 1974.

Items 905.30 and 905.31 amended by Pub. L. 92–161, § 1, Nov. 18, 1971, 85 Stat. 485, to apply with respect to articles entered, or withdrawn from warehouse, after Nov. 7, 1971.

Items 907.15, 909.30, and 911.05 repealed by Pub. L. 92–151, § 1(a)(4), Nov. 5, 1971, 85 Stat. 417, eff. July 16, 1971.

Item 907.50 amended by Pub. L. 93–79, §§ 1, 2(a), July 30, 1973, 87 Stat. 177, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 30, 1973.

Item 907.50 added by Pub. L. 92–587, § 3 (a), (b), Oct. 27, 1972, 86 Stat. 1296, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 27, 1972.

Item 907.60 added by Pub. L. 93–483, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1457, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after the day after Oct. 26, 1974.

Item 907.80 amended by Pub. L. 94–108, Oct. 8, 1975, 89 Stat. 570, to apply with respect to articles entered, or withdrawn from warehouse, for consumption after Sept. 30, 1975.

Item 907.80 amended by Pub. L. 93–101, §§ 1, 2(a), Aug. 16, 1973, 87 Stat. 348, applicable with respect to articles, entered, or withdrawn from warehouse, for consumption on or after Aug. 16, 1973.

Item 909.01 added by Pub. L. 94–120, §§ 1, 2, Oct. 21, 1975, 89 Stat. 609, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Oct. 21, 1975.

Items 911.00 to 911.03 added by Pub. L. 94–89, §§ 1, 3(a), Aug. 9, 1975, 89 Stat. 438, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 9, 1975.

Item 911.07 amended by Pub. L. 93–99, § 1, Aug. 16, 1973, 87 Stat. 341, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1973.

Items 911.10 to 911.12 amended by Pub. L. 94–89, §§ 2, (3)(b), Aug. 9, 1975, 89 Stat. 438, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 9, 1975.

Items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 amended by Pub. L. 93–497, §§ 1, 2, Oct. 29, 1974, 88 Stat. 1534, applicable with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 1974.

Item 911.12 amended by Pub. L. 93–78, July 30, 1973, 87 Stat. 177, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1973.

Item 911.12 amended by Pub. L. 92–44, July 2, 1971, 85 Stat 100, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1971.

Item 911.25 added by Pub. L. 93–470, §§ 1, 2, Oct. 26, 1974, 88 Stat. 1422, to apply with respect to articles en-

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tered, or withdrawn from warehouse, for consumption on or after Oct. 26, 1974.

Item 911.40 added by Pub. L. 94–75, §§ 1, 2(a), Aug. 8, 1975, 89 Stat. 408, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 8, 1975.

Item 911.70 amended by Pub. L. 93–310, §§ 1, 2(a), June 8, 1974, 88 Stat. 235, effective with respect to articles entered, or withdrawn from warehouse, for consumption, after June 8, 1974.

Items 912.05 and 912.10 amended by Pub. L. 93–490, § 1, Oct. 26, 1974, 88 Stat. 1466, applicable with respect to articles entered, or withdrawn from warehouse, for consumption after Dec. 31, 1973.

Item 912.08 added by Pub. L. 94–76, §§ 1, 2(a), Aug. 8, 1975, 89 Stat. 409, to apply with respect to articles entered after Sept. 1, 1974, and before July 1, 1975.

Item 915.25 amended by Pub. L. 92–212, § 1 (a), (b), Dec. 22, 1971, 85 Stat. 774, to apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after Jan. 1, 1972.

LIQUIDATION AND RELIQUIDATION OF COPPER ARTICLES ENTERED OR WITHDRAWN AFTER JUNE 30, 1975, AND BEFORE AUG. 9, 1975.

Section 3(c) of Pub. L. 94–89, Aug. 9, 1975, 89 Stat. 438 provided that: "Upon request therefore filed with the customs officer concerned before the 121st day after the date of enactment of this Act, [Aug. 9, 1975], the entry or withdrawal of any article classified under the items amended under section 2 of this Act [amending items 911.10 to 911.12] which was made after June 30, 1975, and before the date of enactment of this Act, shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [Section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of enactment of this Act."

LIQUIDATION AND RELIQUIDATION OF OPEN-TOP HOPPER CARS EXPORTED FOR REPAIRS OR ALTERATIONS.

Section 2(b) of Pub. L. 94–76, Aug. 8, 1975, 89 Stat. 409, provided that: "Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of enactment of this Act [Aug. 8, 1975], any entry to which the amendment made by the first section of this Act, applies [adding item 912.08] shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry had been made on June 30, 1975."

LIQUIDATION AND RELIQUIDATION OF CATALYSTS OF PLATINUM AND CARBON IMPORED FOR USE IN PRODUCING CAPROLACTAM ENTERED OR WITHDRAWN AFTER OCT. 1, 1975, AND PRIOR TO AUG. 8, 1975.

Section 2(b) of Pub. L. 94–75, Aug. 8, 1975, 89 Stat. 408, provided that:

"Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act [Aug. 8, 1975] the entry or withdrawal of any article—

"(1) which was made after October 1, 1973, and before the date of the enactment of this Act, and

"(2) with respect to which there would have been no duty if the amendment made by the first section of this Act [adding item 911.40] applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act."

SILK YARNS; ENTRIES OR WITHDRAWALS AFTER NOV. 7, 1973 AND BEFORE OCT. 29, 1974

Pub. L. 93–499, § 1(c), Oct. 29, 1974, 88 Stat. 1550, provided that:

"Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act [Oct. 29, 1974], the entry or withdrawal of any article—

"(1) which was made after November 7, 1973, and before the date of the enactment of this Act [Oct. 29, 1974], and

"(2) with respect to which there would have been no duty if the amendments made by subsection (a) [adding items 905.30 and 905.31 of the Tariff Schedules] applied to such entry or withdrawal,

shall notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act. [Oct. 29, 1974]."

LIQUIDATION OR RELIQUIDATION OF COPYING SHOE LATHES ENTERED OR WITHDRAWN AFTER JUNE 30, 1972, AND PRIOR TO JUNE 8, 1974

Pub. L. 93–310, § 2(b), June 8, 1974, 88 Stat. 235, provided that:

"Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act [June 8, 1974], the entry or withdrawal of any article—

"(1) which was made after June 30, 1972, and on or before the date of the enactment of this Act [June 8, 1974], and

"(2) with respect to which there would have been no duty if the amendment made by the first section of this Act [to item 911.70] applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act [June 8, 1974]."

DYEING AND TANNING PRODUCTS; ENTRIES OR WITHDRAWALS AFTER SEPT. 30, 1972, AND BEFORE AUG. 16, 1973

Pub. L. 93–101, § 2(b), Aug. 16, 1973, 87 Stat. 348, provided that:

"Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act [Aug. 16, 1973], the entry or withdrawal of any article—

"(1) which was made after September 30, 1972, and before the date of the enactment of this Act [Aug. 16, 1973], and

"(2) with respect to which there would have been no duty if the amendments made by the first section of this Act [to item 907.80 of the Tariff Schedules] applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act [Aug. 16, 1973]."

MANGANESE ORE; ENTRIES OR WITHDRAWALS AFTER SEPT. 5, 1972, AND BEFORE AUG. 16, 1973

Pub. L. 93–99, § 2(b)(2), Aug. 16, 1973, 87 Stat. 341, provided that:

"Upon request therefor filed with the customs officer concerned on or before the sixtieth day after the date of the enactment of this Act [Aug. 16, 1973], the entry or withdrawal of any article—

"(A) which was made after September 5, 1972, and before the date of the enactment of this Act [Aug. 16, 1973], and

"(B) with respect to which there would have been no duty if the amendment made by the first section of this amendment [to item 911.07 of the Tariff Schedules] applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act [Aug. 16, 1973]."

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

CAPROLACTAM MONOMER IN WATER SOLUTION; ENTRIES OR WITHDRAWALS AFTER DEC. 31, 1972, AND BEFORE JULY 30, 1973.

Pub. L. 93–79, § 2(b), July 30, 1973, 87 Stat. 177, provided that:

"Upon request therefor filed with the customs officer concerned on or before the nineteenth day after the date of the enactment of this Act [July 30, 1973], the entry or withdrawal of any article—

"(1) which was made after December 31, 1972, and before the date of the enactment of this Act [July 30, 1973], and

"(2) with respect to which there would have been no duty if the amendment made by the first section of this Act [adding item 907.50 of the Tariff Schedules] applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act [July 30, 1973]."

CAPROLACTAM MONOMER IN WATER SOLUTION; ENTRIES OR WITHDRAWALS AFTER AUG. 15, 1972 AND BEFORE OCT. 27, 1972

Section 3(c) of Pub. L. 92–587, Oct. 27, 1972, 86 Stat. 1296, provided that:

"Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act [Oct. 27, 1972], the entry or withdrawal of any article—

"(1) which was made after August 15, 1972, and before the date of the enactment of this Act [Oct. 27, 1972], and

"(2) with respect to which there would have been no duty if the amendment made by subsection (a) [adding item 907.50 of the Tariff Schedules] applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 [section 1514 of this title] or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act [Oct. 27, 1972]."

PART 2.—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION

[28 F.R. 9049]

Item	Articles	Rates of duty	
		1	2
	Subpart A.—Escape-Clause Actions		
* * *	* * *	* * *	* * *
	Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:		
	Of fine-grained earthenware or of fine-grained stoneware:		
	Available in specific sets:		
923.01	In any pattern for which the aggregate value of the articles listed in headnote (2b) of subpart C, part 2 of schedule 5 is over $12 but not over $22 (provided for in item 533.28)	10¢ per doz. pcs.+21% ad val.	No change.
	Not available in specified sets:		
923.03	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.31)	10¢ per doz. pcs.+25% ad val.	No change.
923.05	Cups valued not over $0.50 per dozen; saucers valued not over $0.30 per dozen; plates not over 9 inches in maximum diameter and valued not over $0.50 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $1 per dozen: and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $1 per dozen (provided for in item 533.33)	5¢ per doz. pcs.+14% ad val.	No change.
923.07	Cups valued over $0.50 but not over $3.10 per dozen; saucers valued over $0.30 but not over $1.75 per dozen; plates not over 9 inches in maximum diameter and valued over $0.50 but not over $2.85 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $1 but not over $4.85 per dozen: and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $1 but not over $6.20 per dozen (provided for in items 533.35, 533.36, and 533.38)	10¢ per doz. pcs.+ 21% ad val.	No change.
	Of nonbone chinaware or of subporcelain:		
	Household ware:		
923.11	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.71)	45% ad val.	No change.
923.13	Cups valued not over $1.35 per dozen; saucers valued not over $0.90 per dozen; plates not over 9 inches in maximum diameter and valued not over $1.30 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $2.70 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $4.50 per dozen (provided for in item 533.73)	10¢ per doz. pcs.+48% ad val.	No change.

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 2.—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

Item	Articles	Rates of duty	
		1	2
	Subpart A.—Escape-Clause Actions—Con.		
	Articles chiefly used for preparing, serving, or storing food or beverages, or food beverage ingredients—Continued		
	Of nonbone chinaware or of subporcelain—Con.		
	Household ware—Continued		
923.15	Cups valued over $1.35 but not over $4 per dozen; saucers valued over $0.90 but not over $1.90 per dozen; plates not over 9 inches in maximum diameter and valued over $1.30 but not over $3.40 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $2.70 but not over $6 per dozen; creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $4.50 but not over $11.50 per dozen (provided for in item 533.75)	10¢ per doz. pcs.+55% ad val	No change.

Item	Articles	Effective on and after—		
		Feb. 27, 1970	Apr. 30, 1972	Jan. 31, 1973
	Glass (including blown or drawn glass, but excluding cast or rolled glass and excluding pressed or molded glass) (whether or not containing wire netting), in rectangle, not ground, not polished and not otherwise processed, weighing over 16 oz. but not over 28 oz. per sq. ft., provided for in items 542.31-.35, inclusive, and 542.71-.75, inclusive, of part 3B, of schedule 5:			
	Ordinary glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.31	Measuring not over 40 united inches (item 542.31).	1.1¢ per lb	1¢ per lb	0.9¢ per lb.
923.33	Measuring over 40 but not over 60 united inches (item 542.33).	1.5¢ per lb	1.3¢ per lb	1.1¢ per lb.
923.35	Measuring over 60 but not over 100 united inches (item 542.35).	1.5¢ per lb	1.4¢ per lb	1.3¢ per lb.
	Colored or special glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.71	Measuring not over 40 united inches (item 542.71).	1.1¢ per lb.+2.5% ad val	1¢ per lb.+2.5% ad val	0.9¢ per lb.+2.5% ad val.
923.73	Measuring over 40 but not over 60 united inches (item 542.73).	1.5¢ per lb.+2.5% ad val	1.3¢ per lb.+2.5% ad val	1.1¢ per lb.+2.5% ad val.
923.75	Measuring over 60 but not over 100 united inches (item 542.75).	1.5¢ per lb.+2.5% ad val	1.4¢ per lb.+2.5% ad val	1.3¢ per lb.+2.5% ad val.

Item	Articles	1			2
		Effective on or after—			
		May 1, 1974	May 1, 1976	May 1, 1977	
	Ball bearings, radial, provided for in item 680.35 of part 4J of schedule 6:				
923.80	Having an outside diameter of 9 mm and over but not over 30 mm and valued not over 60 cents each.	20% ad val	16% ad val	12% ad val	No change.
923.82	Having an outside diameter of over 30 mm but not over 52 mm and valued not over 75 cents each.	20% ad val	16% ad val	12% ad val	No change.
932.84	Having an outside diameter of over 52 mm but not over 100 mm and valued not over $1.30 each.	3.4¢ per lb. +15% ad val.	3.4 per lb. +15% ad val.	2.6¢ per lb. +11% ad val.	No change.
• • •	• • •	• • •		• • •	• • •

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 2.—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

Item	Articles	Rates of duty 1	Rates of duty 2
	Subpart B.—Temporary Modifications Pursuant to Section 252 of the Trade Expansion Act of 1962		
945.01	[Deleted].		
945.02	[Deleted].		
945.03	[Deleted].		
945.04	[Deleted].		
• • •	• • •	• • •	• • •
945.16	Brandy valued over $17.00 per gallon provided for in items 168.20 and 168.22	$5 per gal.	No change.
• • •	• • •	• • •	• • •

Articles	Rates of duty 1	Rates of duty 2	Effective period
Subpart C.—Temporary Modifications for Balance of Payments Purposes			
[Terminated by Proc. No. 4098. Dec. 20. 1971. 36 F.R. 24201. eff. with respect to merchandise entered, or withdrawn from warehouse, for consumption on or after Dec. 20. 1971.]			
Subpart D.—Other Temporary Modifications			
Subpart D headnotes:			
1. This subpart contains temporary modifications of the provisions of the tariff schedules (other than modifications for balance of payments purposes) proclaimed by the President pursuant to his authority to modify duties as required or appropriate to carry out trade agreements (section 350(a)(1)(B) of the Tariff Act of 1930, as amended, and section 201(a)(2) of the Trade Expansion Act of 1962) and/or pursuant to his authority to terminate proclamations in part (section 350(a)(6) and section 255(b) of such acts, respectively). The rates of duty provided for in this subpart apply only with respect to articles entered during the period specified in the last column.			
2. *Stainless Steel Flatware Tariff-Rate Quota.*—			
(a) The tariff-rate quota with respect to knives, forks and spoons with stainless steel handles, valued under 25 cents each and not over 10.2 inches in over-all length, provided for in items 949.00 through 949.08, was established by the President pursuant to section 350(a)(1)(B) and (a)(6) of the Tariff Act of 1930, as amended, and sections 201 (a)(2) and 255(b) of the Trade Expansion Act of 1962.			
(b) The tariff rate quota—			
(i) shall be allocated among sources of supply and administered on a calendar quarter basis;			
(ii) may be increased for each calendar quarter in any calendar year commencing with the calendar year 1972, by an increase in the quarterly allocations over the allocations for the last quarter of the immediately preceding calendar year by the percentage (not in excess of 6 percent) which the President determines is the percentage increase in United States consumption of knives, forks and spoons with stainless steel handles during such preceding calendar year over the next preceding calendar year, unless economic conditions in the United States industry producing such articles indicate that a smaller growth rate or no growth rate is warranted; notice of any such increase shall be given by the President to the Secretary of the Treasury and published in the *Federal Register;* any such increase shall take effect on the first day of the calendar quarter next succeeding the date of such publication and shall remain in effect until urther increased under this subparagraph;			
(iii) shall be administered so that if any quantity of a product of a particular source of supply which is permitted to be entered within the tariff-rate quota during any calendar quarter is not entered, the differences between the allocation to such source for such quarter and the quantity which was entered and charged against the quota from such source, or 10 percent of such allocation, whichever is the lesser, may be entered during the immediately following calendar quarter; provided that any increased quantity permitted under this subparagraph shall not be considered part of such source's allocation for any quarter;			

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 2.—TEMPORARY MODIFICATIONS PROCLAIMED PURSUANT TO TRADE-AGREEMENTS LEGISLATION—Continued

Item	Articles	Rates of duty 1	Rates of duty 2	Effective period
	Subpart D—Other Temporary Modifications—Con.			
	Subpart D headnotes—Continued (iv) shall be administered so that if it becomes effective, or is increased, after the beginning of a calendar quarter, the quantity entitled to enter, or the amount of the increase which may be entered, during the unexpired portion of such quarter as originating from each source of supply shall be the quantity as so effective, or the amount of the increase, for such calendar quarter, less 1/90 thereof for each day that has expired in such quarter; (v) shall be administered so that each single unit entered in a set shall be counted in determining the number of units entered during any calendar quarter. (c) As promptly as practicable in each calendar year (beginning with 1972), the Tariff Commission shall determine the apparent United States consumption of knives, forks and spoons with stainless steel handles during the preceding calendar year and shall report such determination to the President. In its first report, the Commission shall also determine the apparent United States consumption of such articles during the calendar year 1970.			
	Knives, forks and spoons; all the foregoing valued under 25 cents each, not over 10.2 inches in overall length, and with stainless steel handles (provided for in items 650.08, 650.10, 650.38, 650.40, 650.54 and, if included in sets, 651.75 of part 3E of schedule 6):			On or before September 30, 1976 unless extended by the President.
	For the following aggregate quantities of single units, which are the product of the specified sources of supply and are subject to the rates set forth in rates of duty column numbered 1, entered in any calendar quarter in any calendar year (see headnote 2 of this subpart with respect to possible increases in these quantities)—			
	Japan 33,000,000 Republic of China 6,300,000 Republic of Korea 4,800,000 Hong Kong 1,500,000 European Economic Community (an instrumentality of the Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Republic of Italy, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands) 1,500,000 United Kingdom 600,000 Other 900,000			
949.00	Knives and forks:			
	With handles not containing nickel and not containing over 10 percent by weight of manganese (item 650.08 and 650.38).	1¢ each +12.5% ad val.	No change	
949.02	With handles containing nickel or containing over 10 percent by weight of manganese (items 650.10 and 650.40).	1¢ each+17.5% ad val.	No change	
949.04	Spoons (item 650.54)	17% ad val.	No change	
	Other:			
949.06	Knives and forks (items 650.08, 650.10, 650.38 and 650.40).	2¢ each+45% ad val.	No change	
949.08	Spoons (item 650.54)	40% ad val.	No change	

Items following item 922.50 and preceding item 923.31 inserted by Proc. No. 4125, Apr. 22, 1972, 37 C.F.R. 8369, effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after May 1, 1972.

Items following item 922.50 and preceding item 924.00 modified by Proc. No. 4102, Jan. 29, 1972, 37 F.R. 2417, effective with respect to items entered, or withdrawn from warehouse, for consumption during the period commencing on the date of Proc. No. 4102 and terminating at the close of Jan. 31, 1974.

Items 923.80, 923.82 and 923.84 added by Proc. No. 4279, Mar. 29, 1974, 39 F.R. 11861, effective as to articles entered, or withdrawn from warehouse, for consumption during the period commencing May 1, 1974 and terminating at the close of April 30, 1978.

Heading preceding item 945.01 amended, and items 945.01, 945.02 and 945.04 deleted by Proc. No. 4382, Aug. 5, 1975, 40 F.R. 33425, effective with respect to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m., EDT, Aug. 7, 1975.

Items 945.01 to 945.04 added by Proc. No. 4335, Nov. 16, 1974, 39 F.R. 40741.

Article heading preceding item 945.03 and item 945.03 deleted by Proc. No. 4410, Dec. 31, 1975, 41 F.R. 749, effective with respect to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m. EST, Jan. 1, 1976.

Item 945.16 amended by Proc. No. 4304, July 16, 1974, 39 F.R. 26277, effective as to all articles entered, or withdrawn from warehouse, for consumption on and after July 1, 1974.

Subpart C added by Proc. No. 4074, Aug. 15, 1971, 36 F.R. 15724, and terminated by Proc. No. 4098, Dec. 20, 1971. 36 F.R. 25201.

Subpart D added by Proc. No. 4076, Aug. 21, 1971, 35 F.R. 16561.

EXTENSION OF INCREASED RATE OF DUTY ON CERTAIN PIANOS

Proc. No. 4189, Feb. 20, 1973, 38 F.R. 4935, set out as a note under Part 3 of Schedule 7, extended the increased rate of duty on imports of pianos provided for in item 924.00 to articles entered, or withdrawn from warehouse, for consumption on and after Feb. 21, 1973, and before the close of Feb. 20, 1974.

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 3.—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

[28 F.R. 9055]

Item	Articles	Rates of duty	
		1	2
	Part 3 headnotes:		
	* * *		
	3. (a) *Dairy products*		
	* * *		
	(v) For the purposes of items 950.10B through 950.10E, the price referred to therein, to be determined in accordance with this subdivision, shall be the Commodity Credit Corporation purchase price for Cheddar cheese, U.S. Grade A or higher, standard moisture basis, under the milk price support program, rounded to the nearest whole cent, plus 7 cents, which price shall be determined by the Secretary of Agriculture, certified to the Secretary of the Treasury, and published in the FEDERAL REGISTER. A change of price determined in accordance with this subdivision shall not cause an article to be subject to the import restrictions contained in this part if, on or before the date of publication in the FEDERAL REGISTER of the change of price, such article was exported to the United States on a through bill of lading or placed in bonded warehouse.		
	(vi) Notwithstanding any other provisions of this part, 150,000,000 pounds of the articles described in item 115.50 may be entered during the period beginning March 5, 1974, and ending June 30, 1974, in addition to the annual quota quantity specified for such article under item 950.02, and import licenses shall not be required for entering such additional quantities. The 150,000,000 pound additional quota quantity shall be allocated among supplying countries as follows:		
	Supplying Country — *Quantity (in pounds)* Australia — 15,000,000 New Zealand — 55,000,000 Other Countries — 80,000,000		
	(vii) Notwithstanding any other provision of this part, 100,000,000 pounds of the articles described in item 950.08A may be entered during the period beginning January 3, 1974, and ending March 31, 1974, in addition to the annual quota quantity specified for such articles under item 950.08A, and import licenses shall not be required for entering such additional quantity. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during such period enter pursuant to this provision an aggregate quantity of such articles in excess of 2,500,000 pounds. The 100,000,000 pound additional quota quantity authorized to be entered during the period ending March 31, 1974, shall be allocated among supplying countries as follows:		
	Supplying Country — *Quantity (In pounds)* New Zealand — 55,000,000 Australia — 12,000,000 Other Countries — 33,000,000		
	(viii) Notwithstanding any other provision of this part, 56,000,000 pounds of the articles described in item 950.05 and 22,600,000 pounds of the articles described in item 950.06 may be entered during the period beginning November 1, 1973, and ending December 31, 1973, in addition to the annual quota quantities specified for such articles under items 950.05 and 950.06, and import licenses shall not be required for entering such additional quantities. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during such period enter pursuant to this provision an aggregate quantity of such additional articles in excess of 2,500,000 pounds. The 56,000,000 pounds of the articles described in item 950.05 shall be allocated among supplying countries as follows:		
	Supplying Country — *Quantity (In pounds)* New Zealand — 28,560,000 Member States of the European Economic Community — 24,640,000 Other Countries as follows: Argentina, Australia, Canada, Norway, Sweden, and Switzerland — 2,800,000		
	* * *		
	(c) *Suspension.* Notwithstanding any other provision of this part, the quantitative limitations for the articles provided for in item 950.60 are suspended beginning January 26, 1974.		
	* * *		

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 3.—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

Item	Articles	Rates of Duty 1	Rates of Duty 2
	Part 3 headnotes—Continued		
950.10B	Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses:		
	Swiss or Emmenthaler cheese with eye formation;		
	(a) For the 12-month period ending December 31, 1972,		
	(1) if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents	The following quantities:	
	Country of Origin: — *Quota Quantity (In pounds)*		
	Austria — 972,000		
	Denmark — 609,000		
	Finland — 1,843,000		
	Norway — 367,000		
	Switzerland — 200,000		
	West Germany — 124,000		
	Other — 156,000		
	(2) if having a purchase price per pound (see headnote 3 (a) (iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3 (a) (v) of this part	The quantity entered on or before the date of this proclamation, plus the following quantities:	
	Country of Origin: — *Quota Quantity (In pounds)*		
	Austria — 4,229,000		
	Denmark — 1,626,000		
	Finland — 2,490,000		
	Norway — 761,000		
	Switzerland — 40,000		
	West Germany — 98,000		
	Netherlands — 110,000		
	Israel — 35,000		
	Other — 31,000		
	(b) For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuance to a purchase, of if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part	The following quantities:	
	Country of Origin: — *Quota Quantity (In pounds)*		
	Austria — 8,222,000		
	Denmark — 3,396,000		
	Finland — 6,111,000		
	Norway — 1,672,000		
	Switzerland — 269,000		
	West Germany — 292,000		
	Netherlands — 210,000		
	Israel — 60,000		
	Other — 188,000		
950.10C	Other than Swiss or Emmenthaler with eye formation:		
	(a) For the 12-month period ending December 31, 1972,		
	(1) if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents	The following quantities:	
	Country of Origin: — *Quota Quantity (In pounds)*		
	Austria — 483,000		
	Denmark — 119,000		
	Finland — 1,516,000		
	Switzerland — 10,000		
	West Germany — 1,078,000		
	Other — 83,000		

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 3.—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

Item	Articles	Rates of duty 1	Rates of duty 2
	Part 3 headnotes—Continued		
	Other than Swiss or Emmenthaler with eye formation—Con.		
	(a) For the 12-month period ending December 31, 1972—Con.		
	(2) if having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part.. The quantity entered on or before the date of this proclamation, plus the following quantities:		
	Country of Origin: — *Quota Quantity (In pounds)*		
	Austria — 538,000		
	Denmark — 1,934,000		
	Finland — 52,000		
	Switzerland — 1,297,000		
	West Germany — 432,000		
	Ireland — 107,000		
	Norway — 47,000		
	Portugal — 160,000		
	Other — 71,000		
	(b) For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part.. The following quantities:		
	Country of Origin: — *Quota Quantity (In pounds)*		
	Austria — 1,406,000		
	Denmark — 3,435,000		
	Finland — 1 606,000		
	Switzerland — 2,234,000		
	West Germany — 1,818,000		
	Ireland — 210,000		
	Norway — 82,000		
	Portugal — 275,000		
	Other — 176,000		
950.10D	Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat, and articles within the scope of other import quotas provided for in this part:		
	(a) For the 12-month period ending December 31, 1972,		
	(1) if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) under 47 cents.. The following quantities:		
	Country of Origin: — *Quota Quantity (In pounds)*		
	Belgium — 207,000		
	Denmark — 8,966,000		
	Finland — 1,124,000		
	France — 931,000		
	Iceland — 649,000		
	Ireland — 151,000		
	Netherlands — 56,000		
	Norway — 222,000		
	Poland — 2,064,000		
	Sweden — 1,535,000		
	Switzerland — 34,000		
	United Kingdom — 274,000		
	West Germany — 989,000		
	New Zealand — 7,500,000		
	Other — 388,000		

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

PART 3.—ADDITIONAL IMPORT RESTRICTIONS PROCLAIMED PURSUANT TO SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED—Continued

Item	Articles	Rates of duty	
		1	2
	Part 3 headnotes—Continued		
950.10D	Cheese and substitutes, etc.—Continued (a) For the 12-month period ending December 31, 1972—Continued (2) if having a purchase price per pound (see headnote 3(a)(iii) of this part) of 47 cents or more, but less than the price determined in accordance with headnote 3(a)(v) of this part.. The quantity entered on or before the date of this proclamation, plus the following quantities:		
	Country of Origin: — *Quota Quantity (In pounds)* Belgium — 153,000 Denmark — 4,581,000 Finland — 67,000 France — 1,138,000 Ireland — 6,000 Netherlands — 213,000 Norway — 78,000 Sweden — 100,000 Switzerland — 106,000 United Kingdom — 129,000 West Germany — 676,000 New Zealand — 33,000 Canada — 1,459,000 Portugal — 113,000 Austria — 87,000 Italy — 10,000 Israel — 85,000 Other — 89,000		
	(b) For each 12-month period beginning January 1, 1973, if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part.... The following quantities:		
	Country of Origin: — *Quota Quantity (In pounds)* Belgium — 469,000 Denmark — 16,820,000 Finland — 1,239,000 France — 2,882,000 Iceland — 649,000 Ireland — 161,000 Netherlands — 422,000 Norway — 356,000 Poland — 2,064,000 Sweden — 1,707,000 Switzerland — 215,000 United Kingdom — 496,000 West Germany — 2,148,000 New Zealand — 7,556,000 Canada — 2,670,000 Portugal — 227,000 Austria — 199,000 Italy — 17,000 Israel — 145,000 Other — 228,000		
950.10E	Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in this part if shipped otherwise than in pursuance to a purchase, or if having a purchase price per pound (see headnote 3(a)(iii) of this part) less than the price determined in accordance with headnote 3(a)(v) of this part.... The following quantities:		
	Country of Origin: — *Quota Quantity (In pounds)* Denmark — 6,680,000 United Kingdom — 791,000 Ireland — 756,500 West Germany — 100,000 Poland — 385,600 Australia — 123,600 Iceland — 64,300 Other — None		

• • •

Modification of Tariff Schedules effective January 1, 1976, see Ex. Ord. No. 11888, set out as a note under section 2462 of this title

Headnote 3(a), subd. (v), added by Proc. No. 4138, June 3, 1972, 37 F.R. 11227.

Headnote 3(a), subd. (vi) amended by Proc. No. 4274, Mar. 4, 1974, 39 F.R. 8315.

Headnote 3(a), subd. (vi), amended by Proc. No. 4216, May 10, 1973, 38 F.R. 12313; Proc. No. 4230, July 18, 1973, 38 F.R. 19343; Proc. No. 4238, Aug. 28, 1973, 38 F.R. 23309.

Headnote 3(a), subd. (vi), added by Proc. No. 4177, Dec. 30, 1972, 38 F.R. 7.

Headnote 3(a), subd. (vii), amended by Proc. No. 4258, Jan. 2, 1974, 39 F.R. 959.

Headnote 3(a), subd. (vii), added by Proc. No. 4213, Apr. 25, 1973, 38 F.R. 10241.

Headnote 3(a), subd. (viii), added by Proc. No. 4253, Oct. 31, 1973, 38 F.R. 30427.

Headnote 3(a), subd. (ix) added by Proc. No. 4260, Jan. 25, 1974, 39 F.R. 3533, and superseded by Proc. No. 4298, June 25, 1974, 39 FR 23951.

Headnote 3(c) added by Proc. No. 4298, June 25, 1974, 39 F.R. 23951.

Items 950.10B, 950.10C, 950.10D, 950.10E amended by Proc. No. 4138, June 3, 1972, 37 F.R. 11227.

SUBTITLE II.—SPECIAL PROVISIONS

PART I.—MISCELLANEOUS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 1401 of this title.

§ 1303. Countervailing duties.

(a) Levy of countervailing duties.

(1) Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation, shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

(2) In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Commission under subsection (b)(1) of this section; except that such a determination shall not be required unless a determination of injury is required by the international obligations of the United States.

(3) In the case of any imported article or merchandise as to which the Secretary of the Treasury (hereafter in this section referred to as the "Secretary") has not determined whether or not any bounty or grant is being paid or bestowed—

(A) upon the filing of a petition by any person setting forth his belief that a bounty or grant is being paid or bestowed, and the reasons therefor, or

(B) whenever the Secretary concludes, from information presented to him or to any person to whom authority under this section has been delegated, that a formal investigation is warranted into the question of whether a bounty or grant is being paid or bestowed,

the Secretary shall initiate a formal investigation to determine whether or not any bounty or grant is being paid or bestowed and shall publish in the Federal Register notice of the initiation of such investigation.

(4) Within six months from the date on which a petition is filed under paragraph (3)(A) or on which notice is published of an investigation initiated under paragraph (3)(B), the Secretary shall make a preliminary determination, and within twelve months from such date shall make a final determination, as to whether or not any bounty or grant is being paid or bestowed.

(5) The Secretary shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

(6) The Secretary shall make all regulations he deems necessary for the identification of articles and merchandise subject to duties under this section and for the assessment and collection of such duties. All determinations by the Secretary under this section, and all determinations by the Commission under subsection (b)(1) of this section (whether affirmative or negative) shall be published in the Federal Register.

(b) Injury determination with respect to duty-free merchandise; suspension of liquidation.

(1) Whenever the Secretary makes a final determination under subsection (a) of this section that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty and a determination by the Commission is required under subsection (a)(2) of this section, he shall—

(A) so advise the Commission, and the Commission shall determine within three months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States; and the Commission shall notify the Secretary of its determination; and

(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption on or after the date of the publication in the Federal Register of his final determination under subsection (a) of this section, and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (3).

(2) For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the commissioners voting are evenly divided as to whether its determination should be in the affirmative or in the negative.

(3) If the determination of the Commission under paragraph (1)(A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of

such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a) of this section.

(c) Application of affirmative determinations.

An affirmative final determination by the Secretary under subsection (a) of this section with respect to any imported article or merchandise shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the publication in the Federal Register of such determination. In the case of any imported article or merchandise which is free of duty, so long as a finding of injury is required by the international obligations of the United States, the preceding sentence shall apply only if the Commission makes an affirmative determination of injury under subsection (b)(1) of this section.

(d) Temporary provision while negotiations are in progress.

(1) It is the sense of the Congress that the President, to the extent practicable and consistent with United States interests, seek through negotiations the establishment of internationally agreed rules and procedures governing the use of subsidies (and other export incentives) and the application of countervailing duties.

(2) If, after seeking information and advice from such agencies as he may deem appropriate, the Secretary of the Treasury determines, at any time during the four-year period beginning on January 3, 1975, that—

(A) adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(B) there is a reasonable prospect that, under section 2112 of this title, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(C) the imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations;

the imposition of the additional duty under this section with respect to such article or merchandise shall not be required during the remainder of such four-year period. This paragraph shall not apply with respect to any case involving non-rubber footwear pending on January 3, 1975, until and unless agreements which temporize imports of non-rubber footwear become effective.

(3) The determination of the Secretary under paragraph (2) may be revoked by him, in his discretion, at any time, and any determination made under such paragraph shall be revoked whenever the basis supporting such determination no longer exists. The additional duty provided under this section shall apply with respect to any affected articles or merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of any revocation under this subsection in the Federal Register.

(e) Reports to Congress.

(1) Whenever the Secretary makes a determination under subsection (d)(2) of this section with respect to any article or merchandise, he shall promptly transmit to the House of Representatives and the Senate a document setting forth the determination, together with his reasons therefor.

(2) If, at any time after the document referred to in paragraph (1) is delivered to the House of Representatives and the Senate, either the House or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval under the procedures set forth in section 2192 of this title, then such determination under subsection (d)(2) of this section with respect to such article or merchandise shall have no force or effect beginning with the day after the date of the adoption of such resolution of disapproval, and the additional duty provided under this section with respect to such article or merchandise shall apply with respect to articles or merchandise entered, or withdrawn from warehouse, for consumption on or after such day. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 331(a), 88 Stat. 2049.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618 designated existing provisions as par. (1), added pars. (2) to (6), and in par. (1) as so designated, struck out "and such article or merchandise is dutiable under the provisions of this chapter, preceding "then upon the importation of any such article or merchandise and struck out provisions directing the Secretary of the Treasury to ascertain, determine, or estimate, from time to time, the net amount of bounties or grants, declare the net amount so determined or estimated, and make all regulations he deems necessary for the identification of the articles and merchandise and for the assessment and collection of the additional duties.

Subsecs. (b) to (e). Pub. L. 93–618 added subsecs. (b) to (e).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 331(d) of Pub. L. 93–618 provided that:

"(1) The amendments made by this section [amending this section and sections 1315 and 1516 of this title] shall take effect on the date of the enactment of this Act [Jan. 3, 1975].

"(2) For purposes of applying the provisions of section 303(a)(4) of the Tariff Act of 1930 [subsec. (a)(4) of this section] (as amended by subsection (a)) [as amended by section 331(a) of Pub. L. 93–618] with respect to any investigation which was initiated before the date of the enactment of this Act [Jan. 3, 1975] under section 303 of such Act [this section] (as in effect before such date), such investigation shall be treated as having been initiated on the day after such date of enactment under section 303(a)(3)(B) of such Act [subsec. (a)(3)(B) of this section].

"(3) Any article which is entered or withdrawn from warehouse free of duty as a result of action taken under title V of this Act [subchapter B of chapter 12 of this title] shall be considered a nondutiable article for purposes of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) [this section]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 162, 163, 1315, 1337, 1516, 2192, 2194, 2251, 2411 of this title; title 28 section 2632.

§ 1306. Cattle, sheep, swine, and meats; importation prohibited in certain cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1540.

§ 1315. Effective date of rates of duty.

* * * * *

(d) No administrative ruling resulting in the imposition of a higher rate of duty or charge than the Secretary of the Treasury shall find to have been applicable to imported merchandise under an established and uniform practice shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption prior to the expiration of thirty days after the date of publication in the weekly Treasury Decisions of notice of such ruling; but this provision shall not apply with respect to the imposition of antidumping duties, or the imposition of countervailing duties under section 1303 of this title. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 331(c), 88 Stat. 2053.)

AMENDMENTS

1975—Subsec. (d). Pub. L. 93–618 inserted "or the imposition of countervailing duties under section 1303 of this title" following "antidumping duties".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–618 effective on Jan. 3, 1975, see section 331(d)(1) of Pub. L. 93–618, set out as a note under section 1303 of this title.

§ 1316. Cuban reciprocity treaty not affected.

TREATY BETWEEN UNITED STATES AND CUBA

The treaty concluded between the United States and the Republic of Cuba on December 11, 1902, referred to in the text, was terminated August 21, 1963, pursuant to notice given by the United States on August 21, 1962. See Bevans, Treaties, and Other International Agreements of the United States of America, 1776–1949, vol. VI, page 1106.

§ 1319. Duty on coffee imported into Puerto Rico.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2464 of this title.

§ 1321. Administrative exemptions.

(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is authorized, under such regulations as he shall prescribe, to—

(1) disregard a difference of less than $3 between the total estimated duties or taxes deposited, or the total duties or taxes tentatively assessed, with respect to any entry of merchandise and the total amount of duties or taxes actually accruing thereon; and

(2) admit articles free of duty and of any tax imposed on or by reason of importation, but the aggregate fair retail value in the country of shipment of articles imported by one person on one day and exempted from the payment of duty shall not exceed—

(A) $10 in the case of articles sent as bona fide gifts from persons in foreign countries to persons in the United States ($20, in the case of articles sent as bona fide gifts from persons in the Virgin Islands, Guam, and American Samoa), or

(B) $10 in the case of articles accompanying, and for the personal or household use of, persons arriving in the United States who are not entitled to any exemption from duty under item 812.25 or 813.31 of section 1202 of this title, or

(C) $1 in any other case.

The privilege of this subdivision (2) shall not be granted in any case in which merchandise covered by a single order or contract is forwarded in separate lots to secure the benefit of this subdivision (2).

* * * * *

(As amended Jan. 3, 1975, Pub. L. 93–618, title VI, § 610(a), 88 Stat. 2075.)

AMENDMENTS

1975—Subsec. (a)(2)(A). Pub. L. 93–618 inserted "($20, in the case of articles sent as bona fide gifts from persons in the Virgin Islands, Guam, and American Samoa) after "United States".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 610(b) of Pub. L. 93–618 provided that: "The amendment made by subsection (a) [amending subsec. (a)(2)(A) of this section] shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act [Jan. 3, 1975]."

§ 1322. International traffic and rescue work; United States-Mexico Boundary Treaty of 1970.

* * * * *

(b) The Secretary of the Treasury may provide by regulation or instruction for the admission, without entry and without the payment of any duty or tax imposed upon or by reason of importation, of—

* * * * *

(2) fire-fighting and rescue and relief equipment and supplies for emergent temporary use in connection with conflagrations;

(3) rescue and relief equipment and supplies for emergent temporary use in connection with floods and other disasters; and

(4) personal property related to the use and enjoyment of a separated tract of land as described in article III of the Treaty To Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado Rivers as the International Boundary between the United States of America and the United Mexican States signed on November 23, 1970.

* * * * *

(As amended Oct. 25, 1972, Pub. L. 92–549, title I, § 107, 86 Stat. 1162.)

AMENDMENTS

1972—Pub. L. 92–549, § 107(a), provided for "United States-Mexico Boundary Treaty of 1970" in section catchline.

Subsec. (b)(4). Pub. L. 92–549, § 107(b), added cl. (4).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 883.

PART II.—UNITED STATES INTERNATIONAL TRADE COMMISSION

§ 1330. Organization of Commission.

(a) Membership.

The United States International Trade Commission (referred to in this subtitle as the "Commission") shall be composed of six commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications

requisite for developing expert knowledge of international trade problems and efficiency in administering the duties and functions of the Commission. A person who has served as a commissioner for more than 5 years (excluding service as a commissioner before January 3, 1975) shall not be eligible for reappointment as a commissioner. Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable.

(b) Terms of office.

The terms of office of the commissioners holding office on January 3, 1975, which (but for this sentence) would expire on June 16, 1975, June 16, 1976, June 16, 1977, June 16, 1978, June 16, 1979, and June 16, 1980, shall expire on December 16, 1976, June 16, 1978, December 16, 1979, June 16, 1981, December 16, 1982, and June 16, 1984, respectively. The term of office of each commissioner appointed after such date shall expire 9 years from the date of the expiration of the term for which his predecessor was appointed, except that any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Chairman and vice chairman; quorum.

(1) Except as provided in paragraph (2), the President shall annually designate one of the commissioners as chairman and one as vice chairman of the commission. The vice chairman shall act as chairman in case of the absence or disability of the chairman. A majority of the commissioners in office shall constitute a quorum, but the commission may function notwithstanding vacancies. No commissioner shall actively engage in any other business, vocation, or employment than that of serving as a commissioner.

(2) Effective on and after June 17, 1975, the commissioner whose term is first to expire and who has at least 18 months remaining in his term shall serve as chairman during the last 18 months of his term (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of his term), and the commissioner whose term is second to expire and who has at least 36 months remaining in his term shall serve as vice chairman during the same 18-month period (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of such 18-month period).

* * * * *

(e) Authorization of appropriations.

For the fiscal year beginning October 1, 1976, and each fiscal year thereafter, there are authorized to be appropriated to the Commission only such sums as may hereafter be provided by law. (As amended Jan 3, 1975, Pub. L. 93–618, title I, §§ 172(a), (b), 175(b), 88 Stat. 2009–2011.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618, § 172(a), substituted "United States International Trade Commission" for "United States Tariff Commission" and added provision that a person who has served as a commissioner for more than five years (excluding service as a commissioner before January 3, 1975) shall not be eligible for reappointment as a commissioner.

Subsec. (b). Pub. L. 93–618, § 172(a), lengthened the term of office from 6 years to 9 years for commissioners appointed after Jan. 3, 1975, and substituted Dec. 16, 1976, June 16, 1978, Dec. 16, 1979, June 16, 1981, Dec. 16, 1982, and June 16, 1984, for June 16, 1975, June 16, 1976, June 16, 1977, June 16, 1978, June 16, 1979, and June 16, 1980, respectively, as the expiration dates for the terms of office of commissioners serving on Jan. 3, 1975.

Subsec. (c). Pub. L. 93–618, § 172(b), designated existing provisions as par. (1), inserted "Except as provided in paragraph (2)," preceding "The" in par. (1) as so redesignated, and added par. (2).

Subsec. (e). Pub. L. 93–618, § 175(b), added subsec. (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2231, 2252 of this title.

§ 1332. Investigations.

* * * * *

(g) Reports to President and Congress.

The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year after June 17, 1930, a statement of the methods adopted and all expenses incurred, a summary of all reports made during the year, and a list of all votes taken by the commission during the year, showing those commissioners voting in the affirmative and the negative on each vote and those commissioners not voting on each vote and the reasons for not voting. Each such annual report shall include a list of all complaints filed under section 1337 of this title during the year for which such report is being made, the date on which each such complaint was filed, and the action taken thereon, and the status of all investigations conducted by the commission under such section during such year and the date on which each such investigation was commenced. (As amended Jan. 3, 1975, Pub. L. 93–618, title I, § 173, title III, § 341(b), 88 Stat. 2010, 2056.)

AMENDMENTS

1975—Subsec. (g). Pub. L. 93–618 substituted "a summary of all reports made during the year, and a list of all votes taken by the commission during the year, showing those commissioners voting in the affirmative and the negative on each vote and those commissioners not voting on each vote and the reasons for not voting" for "and a summary of all reports made during the year", and added last sentence relating to complaints included in annual reports.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–618 effective on the 90th day after Jan. 3, 1975, see section 341(c) of Pub. L. 93–618, set out as a note under section 1337 of this title.

§ 1332a. Importation of red cedar shingles; investigation by Commission; duty.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(a), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

§ 1333. Testimony and production of papers.

* * * * *

(c) Mandamus.

At the request of the commission, any such court shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of this part or any order of the commission made in pursuance thereof.

* * * * *

(g) Representation in court proceedings.

The Commission shall be represented in all judicial proceedings by attorneys who are employees of the Commission or, at the request of the Commission, by the Attorney General of the United States. (As amended Jan. 3, 1975, Pub. L. 93–618, title I, § 174, 88 Stat. 2011.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 93–618, § 174(1), substituted "At the request of" for "Upon application of the Attorney General of the United States, at the request of".

Subsec. (g). Pub. L. 93–618, § 174(2), added subsec. (g).

§ 1337. Unfair practices in import trade.

(a) Unfair methods of competition declared unlawful.

Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are declared unlawful, and when found by the Commission to exist shall be dealt with, in addition to any other provisions of law, as provided in this section.

(b) Investigation of violations by Commission; time limits.

(1) The Commission shall investigate any alleged violation of this section on complaint under oath or upon its initiative. Upon commencing any such investigation, the Commission shall publish notice thereof in the Federal Register. The Commission shall conclude any such investigation, and make its determination under this section, at the earliest practicable time, but not later than one year (18 months in more complicated cases) after the date of publication of notice of such investigation. The Commission shall publish in the Federal Register its reasons for designating any investigation as a more complicated investigation. For purposes of the one-year and 18-month periods prescribed by this subsection, there shall be excluded any period of time during which such investigation is suspended because of proceedings in a court or agency of the United States involving similar questions concerning the subject matter of such investigation.

(2) During the course of each investigation under this section, the Commission shall consult with, and seek advice and information from, the Department of Health, Education, and Welfare, the Department of Justice, the Federal Trade Commission, and such other departments and agencies as it considers appropriate.

(3) Whenever, in the course of an investigation under this section, the Commission has reason to believe, based on information before it, that the matter may come within the purview of section 1303 of this title or of the Antidumping Act, 1921, it shall promptly notify the Secretary of the Treasury so that such action may be taken as is otherwise authorized by such section and such Act.

(c) Determinations; reviews.

The Commission shall determine, with respect to each investigation conducted by it under this section, whether or not there is a violation of this section. Each determination under subsection (d) or (e) of this section shall be made on the record after notice and opportunity for a hearing in conformity with the provisions of subchapter II of chapter 5 of Title 5. All legal and equitable defenses may be presented in all cases. Any person adversely affected by a final determination of the Commission under subsection (d) or (e) of this section may appeal such determination to the United States Court of Customs and Patent Appeals. Such court shall have jurisdiction to review such determination in the same manner and subject to the same limitations and conditions as in the case of appeals from decisions of the United States Customs Court.

(d) Exclusion of articles from entry.

If the Commission determines, as a result of an investigation under this section, that there is violation of this section, it shall direct that the articles concerned, imported by any person violating the provision of this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. The Commission shall notify the Secretary of the Treasury of its action under this subsection directing such exclusion from entry, and upon receipt of such notice, the Secretary shall, through the proper officers refuse such entry.

(e) Exclusion of articles from entry during investigation except under bond.

If, during the course of an investigation under this section, the Commission determines that there is reason to believe that there is a violation of this section, it may direct that the articles concerned, imported by any person with respect to whom there is reason to believe that such person is violating this section, be excluded from entry into the United States, unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. The Commission shall notify the Secretary of the Treasury of its action under this subsection directing such exclusion from entry, and upon receipt of such notice, the Secretary shall, through the proper officers, refuse such entry, except that such articles shall be entitled to entry under bond determined by the Commission and prescribed by the Secretary.

(f) Cease and desist orders.

In lieu of taking action under subsection (d) or (e) of this section, the Commission may issue and cause to be served on any person violating this section, or believed to be violating this section, as the case may be, an order directing such person to cease and desist from engaging in the unfair methods or acts involved, unless after considering the effect of such order upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such order should not be issued. The Commission may at any time, upon such notice and in such manner as it deems proper, modify or revoke any such order, and, in the case of a revocation, may take action under subsection (d) or (e) of this section, as the case may be.

(g) Referral to President.

(1) If the Commission determines that there is a violation of this section, or that, for purposes of subsection (e) of this section, there is reason to believe that there is such a violation, it shall—

(A) publish such determination in the Federal Register, and

(B) transmit to the President a copy of such determination and the action taken under subsection (d), (e), or (f) of this section, with respect thereto, together with the record upon which such determination is based.

(2) If, before the close of the 60-day period beginning on the day after the day on which he receives a copy of such determination, the President, for policy reasons, disapproves such determination and notifies the Commission of his disapproval, then, effective on the date of such notice, such determination and the action taken under subsection (d), (e), or (f) of this section with respect thereto shall have no force or effect.

(3) Subject to the provisions of paragraph (2), such determination shall, except for purposes of subsection (c) of this section, be effective upon publication thereof in the Federal Register, and the action taken under subsection (d), (e), or (f) of this section, with respect thereto shall be effective as provided in such subsections, except that articles directed to be excluded from entry under subsection (d) of this section or subject to a cease and desist order under subsection (f) of this section shall be entitled to entry under bond determined by the Commission and prescribed by the Secretary until such determination becomes final.

(4) If the President does not disapprove such determination within such 60-day period, or if he notifies the Commission before the close of such period that he approves such determination, then, for purposes of paragraph (3) and subsection (c) of this section such determination shall become final on the day after the close of such period or the day on which the President notifies the Commission of his approval, as the case may be.

(h) Period of effectiveness.

Except as provided in subsections (f) and (g) of this section, any exclusion from entry or order under this section shall continue in effect until the Commission finds, and in the case of exclusion from entry notifies the Secretary of the Treasury, that the conditions which led to such exclusion from entry or order no longer exist.

(i) Importation by or for United States.

Any exclusion from entry or order under subsection (d), (e), or (f) of this section, in cases based on claims of United States letters patent, shall not apply to any articles imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government. Whenever any article would have been excluded from entry or would not have been entered pursuant to the provisions of such subsections but for the operation of this subsection, a patent owner adversely affected shall be entitled to reasonable and entire compensation in an action before the Court of Claims pursuant to the procedures of section 1498 of Title 28.

(j) Definition of United States.

For purposes of this section and sections 1338 and 1340 of this title, the term "United States" means the customs territory of the United States as defined in general headnote 2 of the Tariff Schedules of the United States. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, § 341(a), 88 Stat. 2053.)

REFERENCES IN TEXT

The Antidumping Act, 1921, referred to in subsec. (b), is classified to sections 160 to 171 of this title.

The Tariff Schedules of the United States, referred to in subsec. (j), are set out in section 1202 of this title.

AMENDMENTS

1975—Subsec. (a) Pub. L. 93–618 substituted "Commission" for "President" and "as provided in this section" for "as hereinafter provided".

Subsec. (b). Pub. L. 93–618 designated existing provisions as the first sentence of par. (1), substituted "The Commission shall investigate any alleged violation of this section" for "To assist the President in making any decisions under this section the commission is authorized to investigate any alleged violation hereof" in the first sentence of par. (1) as so designated, and added the remainder of par. (1) and pars. (2) and (3).

Subsec. (c). Pub. L. 93-618 substituted provisions covering determinations by the Commission and appeals to the United States Court of Customs and Patent Appeals for provisions covering all aspects of hearings and review as part of investigations of unfair practices in import trade.

Subsec. (d). Pub. L. 93–618 substituted provisions covering the exclusion of articles from entry, formerly covered in subsec. (e), for provisions directing that final findings of the Commission be transmitted with the record to the President, now covered by subsec. (g).

Subsec. (e). Pub. L. 93–618 substituted provisions covering the entry of articles under bond during investigation, formerly covered in subsec. (f), for provisions covering the exclusion of articles from entry, now covered by subsec. (d).

Subsec. (f). Pub. L. 93–618 added subsec. (f). Provisions of former subsec. (f) covering entry of articles under bond are now covered by subsec. (e).

Subsec. (g). Pub. L. 93–618 substituted provisions covering referral to the President, formerly covered by subsec. (d), for provisions covering the continuance of exclusion, now covered by subsec. (h).

Subsec. (h). Pub. L. 93–618 substituted provisions covering the period of effectiveness, formerly covered by subsec. (g), for provisions defining "United States", now covered by subsec. (j).

Subsec. (i). Pub. L. 93–618 added subsec. (i).

Subsec. (j). Pub. L. 93–618 added subsec. (j) defining "United States", formerly covered by subsec. (h).

EFFECTIVE DATE OF 1975 AMENDMENT

Section 341(c) of Pub. L. 93–618 provided that: "The amendments made by this section [amending this section and section 1332 of this title] shall take effect on the 90th day after the date of the enactment of this Act [Jan. 3, 1975], except that, for purposes of issuing regulations under section 337 of the Tariff Act of 1930 [this section], such amendments shall take effect on the date of the enactment of this Act [Jan. 3, 1975]. For purposes of applying section 337(b) of the Tariff Act of 1930 [subsec. (b) of this section] (as amended by subsection (a) [as amended by section 341(a) of Pub. L. 93–618]) with respect to investigations being conducted by the International Trade Commission under section 337 of the Tariff Act [this section] on the day prior to the 90th day after the date of the enactment of this Act [Jan. 3, 1975], such investigations shall be considered as having been commenced on such 90th day."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1332, 1337a, 2251 of this title; title 28 section 1543.

§ 1338. Discrimination by foreign countries.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1337 of this title.

PART III.—PROMOTION OF FOREIGN TRADE

§ 1351. Foreign trade agreements.

TREATY BETWEEN UNITED STATES AND CUBA

The treaty concluded between the United States and the Republic of Cuba, on December 11, 1902, referred to in subsec. (b) of the text, was terminated August 21, 1963, pursuant to notice given by the United States on August 21, 1962. See Bevans, Treaties and Other International Agreements of the United States of America, 1776–1949, vol. VI, page 1106.

ADMINISTRATION OF TRADE AGREEMENTS PROGRAM

For provisions relating to the administration of the trade agreements program, see Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2135, 2171 of this title.

§ 1352. Equalization of costs of production; classification; flour in bonded warehouses; termination of agreements; termination of authority of President.

(a) The provisions of section 1336 of this title shall not apply to any article with respect to the importation of which into the United States a foreign-trade agreement has been concluded pursuant to this part or the Trade Expansion Act of 1962 or the Trade Act of 1974, or to any provision of any such agreement. The third paragraph of section 1311 of this title shall apply to any agreement concluded pursuant to this part or the Trade Expansion Act of 1962 to the extent only that such agreement assures to the United States a rate of duty on wheat flour produced in the United States which is preferential in respect to the lowest rate of duty imposed by the country with which such agreement has been concluded on like flour produced in any other country; and upon the withdrawal of wheat flour from bonded manufacturing warehouses for exportation to the country with which such agreement has been concluded, there shall be levied, collected, and paid on the imported wheat used, a duty equal to the amount of such assured preference.

* * * * *

(As amended Jan. 3, 1975, Pub. L. 93–618, title VI, § 602(a), 88 Stat. 2072.)

REFERENCES IN TEXT

The Trade Expansion Act of 1962, referred to in subsec. (a), was classified principally to chapter 7 (§ 1801 et seq.) and was substantially repealed by the Trade Act of 1974.

The Trade Act of 1974, referred to in subsec. (a), is classified principally to chapter 12 of this title. For the complete classification of the Act, see References in Text note under section 2101 of this title.

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618 added reference to the Trade Act of 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1304, 1360, 1366 of this title.

§ 1354. Notice of intention to negotiate agreement; opportunity to be heard; President to seek information and advice.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(a), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

§ 1356f. Importation of coffee under International Coffee Agreement, 1968; Presidential powers and duties.

On and after the entry into force of the International Coffee Agreement, 1968, and for such period prior to October 1, 1973, as the agreement remains in effect, the President is authorized, in order to carry out and enforce the provisions of that agreement—

* * * * *

(As amended Pub. L. 92–262, Mar. 24, 1972, 86 Stat. 113.)

AMENDMENTS

1972—Pub. L. 92–262 substituted "October 1, 1973" for "July 1, 1971".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1356g, 1356h, 1356j of this title.

§ 1360. Peril point; procedure by Tariff Commission.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(a), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

§ 1361. Same; action by President; reports to Congress.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(a), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

SUBTITLE III.—ADMINISTRATIVE PROVISIONS

§ 1401. Miscellaneous.

When used in this subtitle or in Part I of subtitle II of this chapter—

* * * * *

CODIFICATION

Opening provisions of this section are set out in this Supplement to correct a typographical error.

§§ 1401a, 1402.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in sections 2112, 2481 of this title; title 26 section 993.

§ 1484. Entry of merchandise.

* * * * *

(e) Statistical enumeration.

The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission are authorized and directed to establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States and exported from the United States, and shall seek, in conjunction with statistical programs for domestic production, to establish the comparability thereof with such enumeration of articles. All import entries and export declarations shall include or have attached thereto an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and exported and the value of the total quantity of each kind of article.

* * * * *

(As amended Jan. 3, 1975, Pub. L. 93–618, title VI, § 608(a), 88 Stat. 2073.)

AMENDMENTS

1975—Subsec. (e). Pub. L. 93–618 substituted "United States International Trade Commission" for "United States Tariff Commission" and inserted references to an enumeration of articles exported from the United States and, in conjunction with statistical programs for domestic production, to the establishment of the comparability thereof with the enumeration of articles.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 608(e) of Pub. L. 93–618 provided that: "The amendment made by subsection (a) [amending subsec. (e) of this section] insofar as it related to export declarations shall take effect on January 1, 1976."

STUDY OF COMMODITY CLASSIFICATION SYSTEMS; REPORT TO CONGRESS AND PRESIDENT BY AUG. 1, 1975

Section 608(b) of Pub. L. 93–618 provided that: "In carrying out the responsibilities under section 484(e), Tariff Act of 1930 [subsec. (e) of this section] and other pertinent statutes, the Secretary of Commerce and the United States International Trade Commission shall conduct jointly a study of existing commodity classification systems with a view to identifying the appropriate principles and concepts which should guide the organization and development of an enumeration of articles which would result in comparability of United States import, production, and export data. The Secretary and the United States International Trade Commission shall submit a report to both Houses of Congress and to the President with respect to such study no later than August 1, 1975."

INVESTIGATION BY UNITED STATES INTERNATIONAL TRADE COMMISSION; FORMULATION OF INTERNATIONAL COMMODITY CODE; HARMONIZED CODE

Section 608(c) of Pub. L. 93–618 provided that:

"In further connection with its responsibilities pursuant to subsections (a) [amending subsec. (e) section], and (b), [set out as a note under the section], the United States International Trade Commission shall undertake an investigation under section 332(g) of the Tariff Act of 1930 [section 1332(g) of this title], which would provide the basis for—

"(1) a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade, taking into account how such a code could meet the needs of sound customs and trade reporting practices reflecting the interests of United States and other countries, such report to be submitted to both Houses of Congress and to the President as soon as feasible, but in any event, no later than June 1, 1975; and

"(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices,

and, in carying out such responsibilities, the Commission shall report to both Houses of Congress and to the President, as it deems appropriate."

COOPERATION OF GOVERNMENTAL AGENCIES WITH SECRETARY OF COMMERCE AND UNITED STATES INTERNATIONAL TRADE COMMISSION IN STUDIES AND INVESTIGATIONS

Section 608(d) of Pub. L. 93–618 provided that: "The President is requested to direct the appropriate agencies to cooperate fully with the Secretary of Commerce and the United States International Trade Commission in carrying out their responsibilities under subsections (a) [amending subsec. (e) of this section], (b) [set out as a note under this section], and (c) [set out as a note under this section]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1448, 1482, 1483, 1485 of this title; title 15 section 70g.

§ 1515. Review of protests; administrative review and modification of decisions; request for accelerated disposition of protest.

REVIEW OF PROTESTS IN IMPORT SURCHARGE CASES

Pub. L. 93–618, title VI, § 611, Jan. 3, 1975, 88 Stat. 2075, provided that: "Notwithstanding the provisions of section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a) [subsec. (a) of this section]), in the case of any protest under section 514 of such Act [section 1514 of this title] involving the imposition of an import surcharge in the form of a supplemental duty pursuant to Presidential Proclamation 4074, dated August 17, 1971 [set out as a note preceding section 1202 of this title], the time for review and allowing or denying the protest shall not expire until five years from the date the protest was filed in accordance with such section 514 [section 1514 of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1514 of this title; title 28 sections 1582, 2632.

§ 1516. Petitions by American manufacturers, producers, or wholesalers.

(a) Classification, rate of duty, countervailing duty, and antidumping duty furnished upon request; petition; contents.

The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, the rate of duty, the additional duty described in section 1303 of this title (hereinafter in this section referred to as "countervailing duties"), if any, and the special duty described in section 161 of this title (hereinafter in this section referred to as "antidumping duties"), if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, that

the proper rate of duty is not being assessed, or that countervailing duties or antidumping duties should be assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper and (3) the reasons for his belief including, in appropriate instances, the reasons for his belief that countervailing duties or antidumping duties should be assessed.

(b) Determination of petition; notification to petitioner; producers for countervailing duties and antidumping duties.

If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, that the classification of the article or rate of duty assessed thereon is not correct, or that countervailing duties or antidumping duties should be assessed, he shall determine the proper appraised value or classification, rate of duty, or countervailing duties, or antidumping duties and shall notify the petitioner of his determination. Except for countervailing duty and antidumping duty purposes, all such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised or classified or assessed as to rate of duty in accordance with the Secretary's determination. For countervailing duty purposes, the procedures set forth in section 1303 of this title shall apply. For antidumping duty purposes, the procedures set forth in section 160 of this title shall apply.

(c) Determination of correctness of initial appraised value, classification, rate of duty, or non-assessment of countervailing duties or antidumping duties; contest by petitioner; procedure.

If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) of this section is correct, or that countervailing duties or antidumping duties should not be assessed, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate of duty assessed upon or the failure to assess countervailing duties or antidumping duties upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty or that countervailing duties or antidumping duties should not be assessed and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon or failure to assess countervailing duties or antidumping duties upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate Customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

(d) Contest of Secretary's determination that foreign merchandise is not being sold in United States at less than fair value or that bounty or grant is not being paid.

Within 30 days after a determination by the Secretary—

(1) under section 160 of this title, that a class or kind of foreign merchandise is not being, nor likely to be, sold in the United States at less than its fair value, or

(2) under section 1303 of this title, that a bounty or grant is not being paid or bestowed,

an American manufacturer, producer, or wholesaler of merchandise of the same class or kind as that described in such determination may file with the Secretary a written notice of a desire to contest such determination. Upon receipt of such notice the Secretary shall cause publication to be made thereof and of such manufacturer's, producer's, or wholesaler's desire to contest the determination. Within 30 days after such publication, such manufacturer, producer, or wholesaler may commence an action in the United States Customs Court contesting such determination.

(e) Appraisal, classification, and liquidation of entries of merchandise covered by published decisions of the Secretary.

Notwithstanding the filing of an action pursuant to section 2632 of Title 28, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

(f) Consignee or his agent as party in interest before the Customs Court.

The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

(g) Appraisement, classification, and assessment of duty of merchandise covered by published decision of the Secretary in accordance with final judicial decision of Customs Court or Court of Customs and Patent Appeals sustaining cause of action in whole or in part; suspension of liquidation of entries.

If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of pub-

lication of the court decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

(h) Regulations implementing required procedures.

Regulations shall be prescribed by the Secretary to implement the procedures required under this section. (As amended Jan. 3, 1975, Pub. L. 93–618, title III, §§ 321(f)(1), 331(b), 88 Stat. 2048, 2052.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618, § 331(b), inserted provisions relating to the additional duty described in section 1303 of this title (to be known as "countervailing duties") and to the special duty described in section 161 of this title (to be known as "antidumping duties").

Subsec. (b). Pub. L. 93–618, § 331(b), inserted provisions relating to countervailing duties and antidumping duties.

Subsec. (c). Pub. L. 93–618, § 331(b), inserted provisions relating to countervailing duties and antidumping duties.

Subsec. (d). Pub. L. 93–618, § 321(f)(1), added subsec. (d). Former subsec. (d) redesignated (e).

Subsecs. (e) to (h). Pub. L. 93–618, § 321(f)(1), redesignated subsecs. (d) to (g) as (e) to (h), respectively.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment of subsecs. (a) to (c) of this section by Pub. L. 93–618 effective on Jan. 3, 1975, see section 331(d)(1) of Pub. L. 93–618, set out as a note under section 1303 of this title.

Section 321(g)(3) of Pub. L. 93–618 provided that: "The amendment made by subsection (f) [amending subsections (d) to (h) of this section and sections 2631 and 2632 of Title 28, Judiciary and Judicial Procedure] shall apply with respect to determinations under section 201 of the Antidumping Act, 1921 [section 160 of this title], resulting from questions of dumping raised or presented on or after the date of the enactment of this Act [Jan. 3, 1975]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1514 of this title; title 28 sections 1582, 2602, 2631, 2632.

§ 1527. Importation of wild mammals and birds in violation of foreign law.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1540.

Chapter 7.—TRADE EXPANSION PROGRAM

SUBCHAPTER II.—TRADE AGREEMENTS

PART IV.—NATIONAL SECURITY

Sec.

1863. Same; annual report to Congress of actions taken [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1352, 2171, 2318 of this title.

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 46–307 of the District of Columbia Code.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 1801. Statement of purposes.

PRESIDENT'S EXPORT COUNCIL

For provisions relating to establishment of President's Export Council and the Council's functions concerning export expansion, see Ex. Ord. No. 11753, Dec. 20, 1973, 38 F.R. 34983, set out as a note under section 2401 of Title 50, Appendix, War and National Defense.

ABOLITION OF OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The legal authority for the establishment and operation of the Office of the Special Representative for Trade Negotiations in the Executive Office of the President was changed by section 141 of the Trade Act of 1974, which is set out as section 2171 of this title. For abolition of the Office as established under Ex. Ord. No. 11075, set out as a note under this section, and for establishment of the Office pursuant instead to the Trade Act of 1974, with provision for the transfer of assets, liabilities, contracts, property, records, unexpended balances and funds, and personnel to the Office as established pursuant to statute rather than Ex. Ord. 11075, see section 2171 (a), (b), (g), and (h) of this title.

EXECUTIVE ORDER NO. 11075

Ex. Ord. No. 11075, Jan. 15, 1963, 28 F.R. 473, as amended by Ex. Ord. No. 11106, Apr. 18, 1963, 28 F.R. 3911; Ex. Ord. No 11113, June 15, 1963, 28 F.R. 6183, set out as a note under this section, which related to the administration of the trade agreements program, was revoked by Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2135 of this title.

§§ 1802 to 1805. Repealed. Pub. L. 93–618, title VI, § 602(d) Jan. 3, 1975, 88 Stat. 2072.

Section 1802, Pub. L. 87–794, title IV, § 401, Oct. 11, 1962, 76 Stat. 902, enumerated the activities to be performed by heads of agencies in performing functions under the Trade Expansion Act of 1962.

Section 1803, Pub. L. 87–794, title IV, § 402, Oct. 11, 1962, 76 Stat. 902, required an annual Presidential report to Congress on the trade agreement program and on tariff adjustment and other adjustment assistance. See section 2213 of this title.

Section 1804, Pub. L. 87–794, title IV, § 403, Oct. 11, 1962, 76 Stat. 902, covered operations of the United States Tariff Commission. See section 2231 of this title.

Section 1805, Pub. L. 87–794, title IV, § 404, Oct. 11, 1962, 76 Stat. 902, provided for the separability of the provisions of the Trade Expansion Act of 1962. See section 605 of Pub. L. 93–618, set out as a note under section 2101 of this title, for the provisions covering the separability of the various parts of the Trade Act of 1974.

§ 1806. Definitions.

For purposes of this chapter—

(1) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

* * * * *

(3) to (5) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

* * * * *

(As amended Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.)

AMENDMENTS

1975—Pub. L. 93–618 repealed pars. (1), (3), (4), and (5), which defined, respectively, "agency", "firm", "directly competitive with", and "product of a country". See section 2481 of this title.

SUBCHAPTER II.—TRADE AGREEMENTS

PART I.—GENERAL AUTHORITY

§ 1822. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title II, § 202, Oct. 11, 1962, 76 Stat. 872, made special provision for low-rate articles.

PART II.—EUROPEAN ECONOMIC COMMUNITY

§§ 1831 to 1833. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section 1831, Pub. L. 87–794, title II, § 211, Oct. 11, 1962, 76 Stat. 873, made provision for trade agreements with the European Economic Community.

Section 1832, Pub. L. 87–794, title II, § 212, Oct. 11, 1962, 76 Stat. 874, made special provision for trade agreements covering agricultural commodities.

Section 1833, Pub. L. 87–794, title II, § 213, Oct. 11, 1962, 76 Stat. 874, made special provision for trade agreements covering tropical agricultural and forestry commodities.

PART III.—REQUIREMENTS CONCERNING NEGOTIATIONS

§§ 1841 to 1846. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section 1841, Pub. L. 87–794, title II, § 221, Oct. 11, 1962, 76 Stat. 874, made provision for the giving of advice by the Tariff Commission concerning trade agreements. See section 2151 of this title.

Section 1842, Pub. L. 87–794, title II, § 222, Oct. 11, 1962, 76 Stat. 875, made provision for the giving of advice by other sources concerning trade agreements. See section 2152 of this title.

Section 1843, Pub. L. 87–794, title II, § 223, Oct. 11, 1962, 76 Stat. 875, provided for public hearings in connection with proposed trade agreements. See section 2153 of this title.

Section 1844, Pub. L. 87–794, title II, § 224, Oct. 11, 1962, 76 Stat. 875, set out prerequisites for offers for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment. See section 2154 of this title.

Section 1845, Pub. L. 87–794, title II, § 225, Oct. 11, 1962, 76 Stat. 876, provided for the reservation of articles from trade negotiations. See section 2137 of this title.

Section 1846, Pub. L. 87–794, title II, § 226, Oct. 11, 1962, 76 Stat. 876, provided for the transmission of agreements to Congress. See section 2212 of this title.

PART IV.—NATIONAL SECURITY

§ 1861. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title II, § 231, Oct. 11, 1962, 76 Stat. 876; Pub. L. 88–205, pt. IV § 402, Dec. 16, 1963, 77 Stat. 390, covered products of Communist countries or areas.

§ 1862. Safeguarding national security.

* * * * *

(b) Investigations by Secretary of the Treasury to determine effects on national security of imports of articles; hearings; report to President; adjustment of imports.

Upon request of the head of any department or agency, upon application of an interested party, or upon his own motion, the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall immediately make an appropriate investigation, in the course of which he shall seek information and advice from, and shall consult with, the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States, to determine the effects on the national security of imports of the article which is the subject of such request, application, or motion. The Secretary shall, if it is appropriate and after reasonable notice, hold public hearings or otherwise afford interested parties an opportunity to present information and advice relevant to such investigation. The Secretary shall report the findings of his investigation under this subsection with respect to the effect of the importation of such article in such quantities or under such circumstances upon the national security and, based on such findings, his recommendation for action or inaction under this section to the President within one year after receiving an application from an interested party or otherwise beginning an investigation under this subsection. If the Secretary finds that such article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall so advise the President and the President shall take such action, and for such time, as he deems necessary to adjust the imports of such article and its derivatives so that such imports will not threaten to impair the national security, unless the President determines that the article is not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

(c) Domestic production for national defense; impact of foreign competition on economic welfare of domestic industries.

For the purposes of this section, the Secretary and the President shall, in the light of the requirements of national security and without excluding other relevant factors, give consideration to domestic production needed for projected national defense requirements, the capacity of domestic industries to meet such requirements, existing and anticipated availabilities of the human resources, products, raw materials, and other supplies and services essential to the national defense, the requirements of growth of such industries and such supplies and services including the investment, exploration, and development necessary to assure such growth, and the importation of goods in terms of their quantities, availabilities, character, and use as those affect such industries and the capacity of the United States to meet national security requirements. In the administration of this section, the Secretary and the President shall further recognize the close relation of the economic welfare of the Nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual domestic industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security.

(d) Report on investigations by Secretary of the Treasury; regulations.

A report shall be made and published upon the disposition of each request, application, or motion under subsection (b) of this section. The Secretary shall publish procedural regulations to give effect to the authority conferred on him by subsection (b) of this section. (As amended Pub. L. 93–618, title I, § 127(d), Jan. 3, 1975, 88 Stat. 1993.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 93–618, § 127(d)(1)–(3), substituted "Secretary of the Treasury (hereinafter referred to as the 'Secretary')" for "Director of the Office of Emergency Planning (hereinafter in this section referred to as the 'Director')", substituted "advice from,

and shall consult with, the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States" for "advice from other appropriate departments and agencies", inserted provision for public hearings by the Secretary as part of his investigation, added requirement that the Secretary report to the President when he recommends inaction in the same way that a report to the President is required when he recommends action under this section, and placed a 1-year time limit on the Secretary's investigation before making his recommendation to the President.

Subsec. (c). Pub. L. 93–618, § 127(d)(4), substituted "Secretary" for "Director" in two places.

Subsec. (d). Pub. L. 93–618, § 127(d)(4), substituted "Secretary" for "Director".

EX. ORD. NO 11703. ASSIGNING POLICY DEVELOPMENT AND DIRECTION FUNCTIONS RESPECTING OIL IMPORT CONTROL PROGRAM

Ex. Ord. No. 11703, Feb. 7, 1973, 38 F.R. 3579, provided: By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Oil Policy Committee, as reconstituted by this order, is hereby continued.

SEC. 2. The Chairman of the Oil Policy Committee shall provide policy direction, coordination, and surveillance of the oil import control program established by Proclamation No. 3279 of March 10, 1959, as amended, including approval of regulations hereafter issued pursuant to such proclamation. He shall perform those functions after receiving the advice of the Oil Policy Committee and in accordance with guidance from the Assistant to the President with responsibility in the area of economic affairs.

SEC. 3. The Oil Policy Committee shall henceforth consist of the Deputy Secretary of the Treasury, as Chairman, and the Secretaries of State, Defense, the Interior, and Commerce, the Attorney General, and the Chairman of the Council of Economic Advisers, as members. The President may, from time to time, designate other officials to serve as members of the Committee. The Chairman may create subcommittees of the Committee to study and report to the Committee concerning specified subject matters.

SEC. 4. The Oil Policy Committee shall consult with and advise the Chairman on oil import policy, including the operation of the control program under Proclamation No. 3279, as amended, and on recommendations for changes in the program by the issuance of new proclamations with respect to it, or otherwise.

SEC. 5. Section 6 of Proclamation No. 3279 of March 10, 1959, as amended, is amended to read as follows:

"SEC. 6. The Chairman of the Oil Policy Committee shall maintain a constant surveillance of imports of petroleum and its primary derivatives in respect to the national security and, after consultation with the Oil Policy Committee, he shall inform the President of any circumstances which, in the Chairman's opinion might indicate the need for further Presidential action under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended. In the event prices of crude oil or its products or derivatives should be increased after the effective date of this proclamation, such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives of section 232 of the Trade Expansion Act of 1962, as amended, and of this proclamation."

SEC. 6. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by sections 2 and 5 of this order from the Director of the Office of Emergency Preparedness to the Deputy Secretary of the Treasury, as Chairman of the Oil Policy Committee, as the Director of the Office of Management and Budget shall determine, in conformity with section 202(b) of the Budget and Acounting Act of 1950 (31 U.S.C. 581c(b)), shall be transferred at such time or times as he shall direct for use in connection with the functions transferred.

RICHARD NIXON

EXECUTIVE ORDER NO. 11743

Ex. Ord. No. 11743, Oct. 23, 1973, 38 F.R. 29459, formerly set out as a note under this section, which related to the continuation of the Oil Policy Committee, was superseded by Ex. Ord. No. 11775, Mar. 26, 1974, 39 F.R. 11415, set out as a note under section 791a of Title 16, Conservation.

PROC. NO. 3279. ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS INTO THE UNITED STATES

Proc. No. 3279, Mar. 10, 1959, 24 F.R. 1781, as amended by Proc. No. 3290, Apr. 30, 1959, 24 F.R. 3527; Proc. No. 3328, Dec. 10, 1959, 24 F.R. 10133; Proc. No. 3386, Dec. 24, 1960, 25 F.R. 13945; Proc. No. 3389, Jan. 17, 1961, 26 F.R. 507; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Proc. No. 3509, Nov. 30, 1962, 27 F.R. 11985; Proc. No. 3531, Apr. 19, 1963, 28 F.R. 4077; Proc. No. 3541, June 12, 1963, 28 F.R. 5931; Proc. No. 3693, Dec. 10, 1965, 30 F.R. 15459; Proc. No. 3779, Apr. 10, 1967, 32 F.R. 5919; Proc. No. 3794, July 17, 1967, 32 F.R. 10547; Proc. No. 3820, Nov. 9, 1967, 32 F.R. 15701; Proc. No. 3823, Jan. 29, 1968, 33 F.R. 1171; Proc. No. 3969, Mar. 10, 1970, 35 F.R. 4321; Proc. No. 3990, June 17, 1970, 35 F.R. 10091; Proc. No. 4018, Oct 16, 1970, 35 F.R. 16357; Proc. No. 4025, Dec. 22, 1970, 35 F.R. 19391; Proc. No. 4092, Nov. 5, 1971, 36 F.R. 21397; Proc. No. 4099, Dec. 20, 1971, 36 F.R. 24203; Proc. No. 4133, May 11, 1972 37 F.R. 9543; Proc. No. 4156, Sept. 18, 1972, 37 F.R. 19115; Proc. No. 4178, Jan. 17, 1973, 38 F.R. 1719; Proc. No. 4202, Mar. 23, 1973, 38 F.R. 7977; Proc. No. 4210, Apr. 18, 1973, 38 F.R. 9645; Proc. No. 4227, June 19, 1973, 38 F.R. 16195; Ex. Ord. No. 11743, Oct. 23, 1973, 38 F.R. 29459; Ex. Ord. No. 11775, Mar. 26, 1974, 39 F.R. 11415; Ex. Ord. No. 11790, June 25, 1974, 39 F.R. 23185; Proc. No. 4317, Sept. 27, 1974, 39 F.R. 35103; Proc. No. 4341, Jan. 23, 1975, 40 F.R. 3965; Proc. No. 4355, Mar. 4, 1975, 40 F.R. 10437; Proc. No. 4370, Apr. 30, 1975, 40 F.R. 19421; Proc. No. 4377, May 27, 1975, 40 F.R. 23429; Proc. No. 4412, Jan. 3, 1976, 41 F.R. 1037, provided:

SEC. 1(a). In Districts I–IV, in District V, and in Puerto Rico, no crude oil, unfinished oils, or finished products may be entered for consumption or withdrawn from warehouse for comsumption, except (1) by or for the account of a person to whom a license has been issued by the Administrator of the Federal Energy Administration pursuant to an allocation made to such person by the Administrator of the Federal Energy Administration in accordance with regulations issued by the Administrator of the Federal Energy Administration, and such entries or withdrawals may be made only in accordance with the terms of such license, or (2) as authorized by the Administrator of the Federal Energy Administration pursuant to paragraph (b) of this section, or (3) as to finished products, by or for the account of a department, establishment, or agency of the United States, which shall not be required to have such a license but which shall be subject to the provisions of paragraph (c) of this section, or (4) as provided in paragraph (c) of this section, or (5) as otherwise provided in this proclamation.

(b) The Administrator of the Federal Energy Administration may, in his discretion, authorize entries, without allocation or license, of small quantities of crude oil, unfinished oils, or finished products.

(c) In Districts I–IV, District V, and Puerto Rico, no department, establishment, or agency of the United States shall without prior payment of the fees provided for in Section 3(a)(1)(i)–(ii) of this Proclamation, import finished products in excess of the respective allocations made to them by the Administrator. Such allocations shall, except as otherwise provided in this Proclamation, be within the maximum levels of imports established in Section 2 of this Proclamation.

(d) The Administrator of the Federal Energy Administration may, by regulation, provide that no allocation or license shall be required in connection with the transportation to the United States by pipeline through a foreign country of crude oil, unfinished oils, or finished products produced in the customs territory of the United States or, in the event of commingling with foreign oils of like kind and qualities incidental to such transportation, of quantities equivalent to the quantities produced in and shipped from such customs territory.

SEC. 2(a). Except as otherwise provided in this Proclamation, the maximum level of imports, from sources other

than Canada and Mexico which may be made without prior payment of the fees provided in Section 3(a)(1)(i)–(ii) of this Proclamation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be:

(1) for Districts I–IV, 1,992,000 average barrels per day per year; *Provided*, That, in addition to the foregoing, there may be imported into District I an average of 50,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere under allocations made by the Administrator of the Federal Energy Administration, pursuant to regulations of the Administrator of the Federal Energy Administration, to deepwater terminal operators who do not have crude oil import allocations into Dstricts I–V or Puerto Rico and who, in the allocation period beginning prior to January 1, 1973, had received, from the Administrator of the Federal Energy Administration, an allocation of imports into District I of No. 2 fuel oil; *Provided Further*, That the Administrator of the Federal Energy Administration may, by regulation, provide that a holder of an allocation for the importation of No. 2 fuel oil, may import crude oil produced in the Western Hemisphere in lieu of No. 2 fuel oil, barrel for barrel, and exchange such crude oil for No. 2 fuel oil. Whenever the Chairman of the Oil Policy Committee, after consultation with the committee, finds that, because of supply, price, or other considerations, the requirement that No. 2 fuel oil be manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere is unduly restricting the availability of such oil for importation into District I and is not required for the national security, he shall so advise the Administrator of the Federal Energy Administration who shall then suspend such requirement for such period of time as he shall deem compatible with the purposes of this proclamation.

(2) for District V, 670,000 average barrels per day per year.

(3) for Puerto Rico 227,221 average barrels per day per year commencing April 1, 1973; *Provided*, That no person who manufactures in Puerto Rico No. 2 fuel oil from crude oil produced in the Western Hemisphere shall incur a reduction of a allocation or be deemed to have violated a condition of an allocation by reason of a shipment of such oil to a person who holds an allocation of imports of No. 2 fuel oil into District I and who does not have a crude oil import allocation into District I; *Provided Further*, That, this limitation shall not apply to long-term allocations of imports into Puerto Rico.

(4) for District I, 2,900,000 average barrels per day per year, commencing April 1, 1973, of residual fuel oil to be used as fuel.

(5) for Districts II–IV, 42,000 average barrels per day per year of residual fuel oil to be used as fuel.

(6) for District V, 75,600 average barrels per day per year of residual fuel oil to be used as fuel.

(b) Imports of asphalt, ethane, propane, and butanes shall not be subject to the levels established in this proclamation nor shall any allocation or license be required for their importation.

(c)(1) Except as otherwise provided in this Proclamation, the maximum levels of imports from Canada of crude oil and unfinished oils to which license fees under section 3(a)(1)(i)–(ii) are not applicable shall be:

(i) for Districts I–IV, 960,000 average barrels per day per year; *Provided*, That, the Administrator of the Federal Energy Administration may, within the limits established by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil and unfinished oils, which may be imported from Canada so long as such increase is, in his judgment, consonant with the purposes of this proclamation.

(ii) for District V, 280,000 average barrels per day per year; *Provided*, That, the Administrator of the Federal Energy Administration may, within the limits established by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil and unfinished oils which may be imported from Canada, so long as such increase is, in his judgment, consonant with the purposes of this proclamation.

(2) Entries for consumption of imports from Canada by pipeline may be made until midnight, May 15, of the allocation period following the allocation period in which any license authorizing such imports from Canada was issued.

(d) Except as otherwise provided in this proclamation, the maximum level of imports from Mexico of crude oil produced in Mexico and unfinished oils and finished products produced in Mexico wholly from Mexican crude oil shall be 32,500 average barrels per day per year.

(e) The levels established, and the total demand referred to, in this section do not include free withdrawals by persons pursuant to section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), or petroleum supplies for vessels or aircraft operated by the United States between points referred to in said section 309 (as to vessels or aircraft, respectively) or between any point in the United States or its possessions and any point in a foreign country.

SEC. 3(a)(1). Effective February 1, 1975, the Administrator shall issue allocations and licenses subject to fees, on imports of crude oil, unfinished oils, and finished products. Such licenses shall require, among other appropriate provisions, that:

(i) With respect to imports of crude oil and natural gas products, over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.21 per barrel;

(ii) With respect to imports of motor gasoline, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt), over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.63 per barrel;

(iii) with respect to the fees imposed pursuant to paragraph 3(a)(1)(i)–(ii), the amount of such fees shall be reduced, in such manner as may be provided by the Administrator, by an amount equal to any applicable duties;

(iv) With respect to licenses issued pursuant to paragraph 3(a)(1)(i)–(ii), the Administrator:

(A) With respect to imports of crude oil, to the extent that such imports are refined into products or incorporated into petrochemicals exported from the United States and its territories and possessions, shall refund any fee collected; *provided*, that the Administrator may limit the quantity of exports to which refunds under this provision may be applicable;

(B) With respect to unfinished oils, may, by regulation, provide for refunds to the extent that such unfinished oils are refined into products or incorporated into petrochemicals which are exported from the United States and its territories and possessions; and

(C) With respect to petrochemicals, shall specify, by regulation, those petrochemicals which qualify an importer for a refund under this subparagraph.

(v) The Administrator shall by regulation reduce the fees payable by importers pursuant to paragraphs 3(a)(1)(i)–(ii) with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico, or imported into Districts I–V and shipped to Puerto Rico, with or without further processing, and not shipped to Districts I–V, as crude oil, unfinished oils, or finished products, by the amount of any excise tax or other levy imposed and collected by the Government of Puerto Rico on such materials, *Provided* that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraphs 3(a)(1)(i)–(ii), *rovided further* that with respect to shipments to Puerto Rico from Districts I–V such shipments shall be deemed attributable to imported crude.

(vi) with respect to licenses issued against a surety bond pursuant to paragraph 3(a)(1)(i)–(ii), fees shall be paid no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first; and

(vii) with respect to imports made on a before December 21, 1975, all supplemental fees payable under paragraph 3(a)(1)(iii) of this Proclamation as in effect on December 21, 1975, shall be payable in accordance with this Proclamation as in effect on that date.

(2) License fees payable for imports of motor gasoline or other finished products or unfinished oils, manufactured in American Samoa, Guam, or the Virgin Islands or in a foreign trade zone and transported to the Cus-

toms territory of the United States by overland means or by vessel or vessels under United States registry, shall be at the rate applicable to the feedstock from which such motor gasoline or other finished product or unfinished oil was manufactured: *Provided*, that such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Administrator that he made a good faith attempt to arrange shipment by vessel under United States registry and that no such vessel was available at reasonable rates for the purpose at the time this shipment was made.

(3) The Administrator is authorized to refund or reduce fees, whether in whole or in part, (i) where the licensee failed to use, wholly or in part, the license issued to him, (ii) where refunds or reductions, whether in whole or in part, are ordered pursuant to Section 5, (iii) where refunds or reductions, whether in whole or in part, are called for by reason of a person having exported finished products or petrochemicals, (iv) where crude oil imported by virtue of a license for which a fee was paid has been manufactured into asphalt, (v) for payment to the importer of record of sums refunded pursuant to clauses (iii), (iv), (v) and (vii) of paragraph 3(a)(1), as amended by this Proclamation, (vi) where the importer of record participates in an exchange in accordance with the next to last sentence of paragraph 4(b)(1), (vii) where refund of a license fee is called for by reason of the same having been improperly charged.

(4) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate customs officer at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture; Provided, that the importer certifies the volume of natural gas products contained.

(5) In order to ensure that refiners located in territories of the United States and in foreign trade zones are treated not less favorably than other United States refiners, the Administrator shall by regulation determine at what point crude oil, unfinished oils and finished products shipped into United States territories and foreign trade zones shall become subject to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(ii).

(b)(1) Applications for allocations and licenses for imports subject to fee under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of the Treasurer of the United States in the amount chargeable pursuant to this section, or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the amount chargeable pursuant to this section, conditioned upon payment of such amount to the order of the Treasurer of the United States, by the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse, whichever occurs first, or within such other period as the Administrator shall specify. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Administrator shall immediately revoke all licenses issued pursuant to the bond. Except as to a department, establishment or agency of the United States, applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Payment of fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency, to the suspense account provided by subparagraph (1) of paragraph (c) of this section.

(2) With respect to allocations and licenses issued prior to June 1, 1975, for which a bond was not required or with respect to which a bond was required in amounts less than the full amount of the fees imposed pursuant to this Proclamation, the Administrator may, by regulation, provide for such bonding procedures as he deems necessary.

(c)(1) All monies received by the Administrator under the terms of paragraph (b) of this section shall be held by the Administrator in a suspense account and may be drawn upon by the Administrator for the payment of refundable license fees. Balances remaining in such suspense account and not required to be reserved for payments hereinabove provided shall be deposited at the end of each fiscal year in the Treasury of the United States and credited to miscellaneous receipts.

(2) Refunds pursuant to subparagraph (1) of paragraph (c) of this section shall be made without interest.

SEC. 4(a). The Administrator of the Federal Energy Administration is hereby authorized to issue regulations for the purpose of implementing this proclamation.

(b)(1) In respect of the territories of American Samoa, Guam, the Virgin Islands, and foreign trade zones, the Administrator of the Federal Energy Administration may make such regulations as he deems consonant with the purposes of this proclamation to the end that persons having refineries and petrochemical plants located in such territories or zones shall participate to the fullest practicable extent, upon terms not less favorable, so far as possible, than those accorded to persons in the Customs territory of the United States in all appropriate aspects of the programs authorized by this proclamation. Notwithstanding the levels established in Section 2 of this Proclamation, the Administrator may make allocations to which license fees under paragraph 3(a)(1)(i)–(ii) shall not be applicable, with respect to crude oil or unfinished oils imported from Canada in exchange for crude oil, unfinished oils, or finished products produced in the United States or entered into United States customs territory and exported to Canada.

(2) Such regulations shall provide for the allocations of imports with respect to which license fees under section 3(a)(1)(i)–(ii) are not applicable of crude oil and unfinished oils into Puerto Rico among persons having refinery capacity in Puerto Rico in the calendar year 1964 on the basis of the allocation of crude and unfinished oils received by such persons for the allocation period commencing April 1, 1973.

(3) Except for (i) crude oil or unfinished oils imported under license or licenses for which a fee has been charged, (ii) crude oil sold, bought, or exchanged in order to comply with other Federal Energy Administration regulations, or (iii) crude oil or unfinished oils imported pursuant to specific relief granted pursuant to section 5, such regulations shall require that imported crude oil and unfinished oils be processed in the licensee's refinery or petrochemical plant, except that imported crude oil or unfinished oils other than Canadian imports may be exchanged for domestic crude or unfinished oils if such exchanges are otherwise lawful, are effected on a current basis and reported in advance to the Administrator, and if the domestic crude or unfinished oils are processed in the licensee's refinery or petrochemical plant. Canadian imports may only be exchanged for other Canadian imports, in which case the Canadian imports obtained in the exchange must be processed in the licensee's own facility.

(4) With respect to the allocation of imports of finished products (other than residual fuel oil to be used as fuel) in respect of which license fees under section 3(a)(1)(i)–(ii) are not applicable into Puerto Rico, such regulations shall provide, to the extent possible for a fair and equitable distribution of imports of such finished products among persons who were importers of such finished products into Puerto Rico during all or part of the calendar year 1958, or such higher level as the Administrator of the Federal Energy Administration may have determined to be required to meet demand in Puerto Rico for finished products that would not otherwise have been met, during the calendar year 1973.

(5) With respect to the allocation of imports to which license fees under section 3(a)(1)(i)–(ii) are not applicable of residual fuel oil to be used as fuel in Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into Puerto Rico during all or part of the calendar year 1958. In addition, the Administrator of the Federal Energy Administration by regulation may, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to

be used as fuel, the maximum sulphur content of which is acceptable to the Administrator of the Federal Energy Administration, (i) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who in a base period to be established by the Administrator of the Federal Energy Administration had inputs of that product to deepwater terminals located in the respective districts or Puerto Rico and (ii) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who have throughput agreements (warehouse agreements) with deepwater terminal operators. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations, shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (i) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who in a base period to be established by the Administrator of the Federal Energy Administration had inputs of that product to deepwater terminals located in District I; (ii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have thoughput agreements (warehouse agreements) with deepwater terminal operators; and (iii) notwithstanding the levels established in section 2 of this proclamation, during the allocation year commencing in 1973, the Administrator of the Federal Energy Administration may make allocations to which fees under section 3(a)(1)(i)–(ii) shall not be applicable of imports of residual fuel oil to be used as fuel into District I to persons in District I who own and operate newly constructed deepwater terminal facilities, based upon estimated deepwater terminal inputs during a base period to be established by the Administrator of the Federal Energy Administration. For the allocation period commencing in 1974 and subsequent allocation periods, the Administrator of the Federal Energy Administration may make allocations to which fees under section 3(a)(1)(i)–(ii) shall not be applicable of imports of residual fuel oil to be used as fuel into District I based upon estimated deepwater terminal inputs during a base period to be established by the Administrator of the Federal Energy Administration to persons in District I who own and operate newly constructed deepwater terminal facilities; *Provided*, That such allocations to which fees under section 3(a)(1)(i)–(ii) shall not be applicable shall be included within the levels established by subparagraph (4) of paragraph (a) of section 2 of this proclamation, as amended.

(c) Such regulations may provide for the revocation or suspension by the Administrator of the Federal Energy Administration of any allocation or license on grounds relating to the national security, or the violation of the terms of this proclamation, or of any regulation, allocation, or license issued pursuant to this proclamation. In exercising this authority the Administrator will consult with the Secretaries of State, Treasury, and Defense, as appropriate.

SEC. 5(a). The Administrator of the Federal Energy Administration is authorized to provide for the establishment and operation of an Appeals Board to consider petitions by persons affected by the regulations issued pursuant to this proclamation.

(b) The Appeals Board may be empowered, subject to the general direction of the Chairman of the Oil Policy Committee, without regard to the limits of the maximum levels of imports established in section 2 of this proclamation: (1) to reverse or modify on grounds of error actions taken by the Administrator of the Federal Energy Administration under implementing regulations; (2) to modify, on the grounds of exceptional hardship, any allocation made to any person under such regulations; (3) to grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; (4) to grant allocations of imports of finished products on grounds of exceptional hardship; (5) to grant allocations of imports of crude oil, unfinished oils, and finished products to independent refiners or established independent marketers who are experiencing exceptional hardship or in emergencies in order to assure, insofar as practicable, that adequate supplies are available; (6) to review the revocation or suspension of any allocation or license; (7) to review the denial by the Administrator of the Federal Energy Administration of refunds of license fees, whether in whole or in part, theretofore paid by a person; and (8) to grant refunds, in whole, or in part, of license fees paid by persons to whom licenses were issued for imports which they subsequently became entitled to make under allocations made by the Board. Except with respect to its function to review applications for allocations of imports to which license fees are applicable, licenses issued pursuant to Board allocations shall be from the fees established in section 3(a)(1)–(ii) exempt. Any allocations granted by the Board, however, shall be subject to payment of the fees established in section 3(a)(1)(iii).

(c) The Administrator of the Federal Energy Administration may modify or alter the composition of the Appeals Board or abolish the Board and establish such other appellate procedures as he deems appropriate.

(d) The authority granted by this Section shall expire on April 30, 1980.

SEC. 6. Persons who apply for allocations of crude oil, unfinished oils, or finished products, persons to whom such allocations have been made, and persons who hold such allocations shall furnish to the Administrator of the Federal Energy Administration such information and shall make such reports as he may require, by regulations or otherwise, in the discharge of his responsibilities under this proclamation.

SEC. 7. The Administrator shall provide policy direction, coordination, and surveillance of the mandatory oil import program, and shall, from time to time, in consultation with the Secretaries of State and the Treasury and other federal agencies as appropriate, review the status of imports of petroleum and its primary derivatives in respect to the national security. In this connection, he shall inform the President of any circumstances which might indicate the need for further Presidential action under Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) [this section], as amended.

SEC. 8. Annually, beginning May 1, 1974, the maximum levels of imports subject to allocation and license, to which license fees under section 3(a)(1)(i)–(ii) shall not be applicable, except allocations made and licenses issued by reason of new, expanded, or reactivated refinery capacity and petrochemical plants in Districts I–IV and District V allocations and licenses issued to persons who manufacture in such Districts finished products or petrochemicals from crude oil and unfinished oils and who export finished products or petrochemicals, subject to such designations as the Administrator of the Federal Energy Administration may make, shall be reduced as follows:

For the year commencing May 1, 1974, the maximum levels of such imports shall be ninety percent (90%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1975, the maximum levels of such imports shall be eighty percent (80%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1976, the maximum levels of such imports shall be sixty-five percent (65%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1977, the maximum levels of such imports shall be fifty percent (50%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1979, the maximum levels of such imports shall be thirty-five percent (35%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1979, the maximum levels of such imports shall be twenty percent (20%), in barrels per day, of the levels established during the calendar year 1973.

Effective April 30, 1980, the system of issuing allocations and licenses not subject to license fee under section 3(a)(1)(i)–(ii) shall be abolished.

SEC. 9. Commitments and obligations contained in long term allocations heretofore made shall be unimpaired by this proclamation or regulations issued thereunder, except that all such allocations shall be subject to the payment of fees prescribed by section 3(a)(1)(iii) of this Proclamation.

SEC. 10. The Administrator of the Federal Energy Administration may delegate, and provide for successive redelegation of, the authority conferred upon him by this proclamation. All departments and agencies of the Executive Branch of the Government shall cooperate with and assist the Administrator of the Federal Energy Administration in carrying out the purposes of this proclamation.

SEC. 11. As used in this proclamation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a state, territorial or local government, but does not include a department, establishment, or agency of the United States.

(b) "District I" means the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

(c) "Districts II–IV" means all the states of the United States except those states within District I and District V.

(d) "Districts I–IV" means the District of Columbia and all of the states of the United States except those states within District V.

(e) "District V" means the states of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii.

(f) "Crude oil" means a mixture of hydrocarbons that existed in natural underground reservoirs and which is liquid at atmospheric pressure after passing through surface separating processes and does not include natural gas products. It includes the initial liquid hydrocarbons produced from tar sands, gilsonite, and oil shale.

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, or any component or components of such oils which are to be used without further processing by any one or more of the processes described in subparagraphs (1) through (3) of paragraph (h) of this section, and which, as of January 1, 1973, under the Tariff Schedules of the United States [section 1202 of this title], were not subject to a duty of more than one cent ($0.01) per pound of the hydrocarbons therein contained:

(1) The term "liquefied gases" means the following liquefied or liquefiable gases, namely, ethane, propane, butanes, ethylene, propylene, and butylenes which are derived by refining or other processing of natural gas, crude oil, or unfinished oils.

(2) "Gasoline" means a refined petroleum distillate, including naphtha, jet fuel, or other petroleum oils, (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or para-xylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure which falls completely or in part between 80° F and 400° F.

(3) "Kerosene" means any jet fuel, diesel fuel, fuel oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 400° F and 550° F.

(4) "Distillate fuel oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except refined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 550° F and 1200° F.

(5) "Residual fuel oil" means a petroleum oil, which is (i) any topped crude or viscous residuum of crude or unfinished oils or one or more of the petroleum oils defined in subparagraphs (2) through (4) of this paragraph (g), which has a viscosity of not less than 45 seconds Saybolt Universal at 100° F. to be used as fuel without further processing other than by mechanical blending or (ii) crude oil to be used as fuel without further processing other than by blending by mechanical means.

(6) "Asphalt" means a solid or semi-solid cementitious crude oil or derivative of crude oil, 50 percent or more of the constituents of which are bitumins, which is not to be used as fuel and which is to be used without further processing except airblowing or blending by mechanical means.

(7) "Lubricating oils" means any lubricant containing more than 50 percent by volume of refined petroleum distillates or specially treated petroleum residuum.

(8) "Natural gas products" means liquids (under atmospheric conditions), including natural gasoline, which are recovered by process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a reservoir and which, when recovered and without processing in a refinery or other plant, fall within any of the definitions of products contained in clauses (2) through (4) of this paragraph (g).

(h) "Unfinished oils" means one or more of the petroleum oils listed in clauses (1) through (4) and clause (8) of paragraph (g) of this section or a mixture or combination of such oils, or any component or components of such oils, which are to be further processed in one or more of the following ways:

(1) By distillation with a resulting yield of at least two distinct finished products or unfinished oils, two of which must be equal to not less than 10 percent of the total charge of such unfinished oils to a distillation unit. Different grades or specifications of finished products or unfinished oils will not constitute distinct finished products or unfinished oils for purposes of this subparagraph. Distillation of petroleum oils which have been reconstituted by blending of two or more finished products or unfinished oils does not constitute processing for the purposes of this subparagraph.

(2) By catalytic or thermal conversion in process units such as alkylation, coking, cracking, hydrofining, hydrodesulphurization, polymerization, isomerization, dehydrogenation, or reforming.

(3) By physical separation established by means of solvent dewaxing, solvent deasphalting, solvent extraction, or extractive distillation.

(i) As used in paragraphs (g) and (h) of this section, the term "petroleum oil" includes only hydrocarbons derived from crude oil or natural gas.

(j) The term "imports from Canada" as used in this proclamation, means entries for consumption or withdrawals from warehouse for consumption of the following items which have been transported into the United States from Canada, by overland means (pipeline, rail, or other means of overland transportation) or over waterways other than ocean waterways, to-wit: crude oil produced in Canada, unfinished oils which have been derived from crude oil or natural gas produced in Canada, and finished products which have been produced in Canada from crude oil produced in Canada.

(k) The expression "long-term allocation" means:

(1) That certain allocation made to Commonwealth Oil Refining Company, Inc., of imports of crude and unfinished oils into Puerto Rico dated May 10, 1968—effective January 1, 1968 (as amended).

(2) That certain allocation made to Phillips Petroleum Company of imports of unfinished oils into Pureto Rico—dated December 23, 1965—effective January 1, 1966 (as amended).

(3) That certain allocation made to Sun Oil Company of imports of crude oil into Puerto Rico—effective April 18, 1968 (as amended).

(4) That certain allocation made to Union Carbide Corporation of imports of crude oil and unfinished oils into Puerto Rico—dated April 19, 1968—effective April 19, 1968.

(5) That certain allocation made to Hess Oil and Chemical Corporation of imports of finished products into Districts I–IV—dated December 12, 1967—effective January 1, 1968 (Hess Oil and Chemical Corporation now Amerada-Hess).

(6) That certain allocation made to Fuel Desulphurization, Inc., of residual fuel oil and fuel oil into Districts I–IV—dated January 8, 1969 (as amended).

(7) That certain allocation made to Guardian Oil Refining Corporation of residual fuel oil in Districts I–IV—dated January 8, 1969 (as amended).

(8) That certain allocation made to Supermarine Inc., of residual fuel oil and fuel oil into Districts I–IV—dated January 8, 1969 (as amended).

(9) That certain zone allocation made to Hawaiian Independent Refinery, Inc., of shipments of crude oil and unfinished oils into foreign-trade sub-zone No. 9–A at Ewa, Oahu, Hawaii, of foreign-trade zone No. 9—Honolulu, Hawaii, dated May 7, 1970.

(*l*) The term "imports" includes both entry for consumption and withdrawal from warehouse for consumption, but excludes unfinished oils and finished products processed in United States territories and foreign trade zones from crude oil produced in the United States.

(m) The term "Administrator" means the Administrator of the Federal Energy Administration, or his delegate.

SEC. 12. Effective with respect to articles entered, or withdrawn from warehouse for consumption on or after February 1, 1975, tariffs upon imports of petroleum products listed in schedule 4, part 10—"Petroleum, natural gas, and products derived therefrom"—of the Tariff Schedules of the United States shall be and are reinstated.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of April, in the year of our Lord nineteen hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1863, 2137, 2463 of this title.

§ 1863. Same; annual report to Congress; reports to Congress of actions taken.

The President shall submit to the Congress an annual report on section 1862 of this title. Within 60 days after he takes any action under such section 1862 of this title, the President shall report to the Congress the action taken and the reasons therefor. (Pub. L. 93–618, title I, § 127(c), Jan. 3, 1975, 88 Stat. 1993.)

CODIFICATION

Section was enacted as part of the Trade Act of 1974 and not as part of the Trade Expansion Act of 1962 which comprises this chapter.

PART V.—ADMINISTRATIVE PROVISIONS

§ 1871. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–974, title II, § 241, Oct. 11, 1962, 76 Stat. 878, provided for the appointment of the Special Representative for Trade Negotiations. See section 2171 of this title.

§ 1872. Interagency trade organization.

(a) Establishment; composition; meetings; participation by other agencies.

The President shall establish an interagency organization to assist him in carrying out the functions vested in him by this subchapter and sections 2251, 2252, and 2253 of this title. Such organization shall, in addition to the Special Representative for Trade Negotiations, be composed of the heads of such departments and of such other officers as the President shall designate. It shall meet at such times and with respect to such matters as the President or the chairman of the organization shall direct. The organization may invite the participation in its activities of any agency not represented in the organization when matters of interest to such agency are under consideration.

(b) Duties.

In assisting the President, the organization shall—

(1) make recommendations to the President on basic policy issues arising in the administration of the trade agreements program,

(2) make recommendations to the President as to what action, if any, he should take on reports submitted to him by the United States International Trade Commission under section 2251(d) of this title,

(3) advise the President of the results of hearings held pursuant to sections 2411 (c) and (d) of this title, and recommend appropriate action with respect thereto, and

(4) perform such other functions with respect to the trade agreements program as the President may from time to time designate.

(c) Use of resources of agencies; procedures and committees.

The organization shall, to the maximum extent practicable, draw upon the resources of the agencies represented in the organization, as well as such other agencies as it may determine, including the United States International Trade Commission. In addition, the President may establish by regulation such procedures and committees as he may determine to be necessary to enable the organization to provide for the conduct of hearings pursuant to sections 2411 (c) and (d) of this title, and for the carrying out of other functions assigned to the organization pursuant to this section. (As amended Pub. L. 93–618, title I, § 171(b), title VI, § 602(b), Jan. 3, 1975, 88 Stat. 2009, 2072.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618, § 602(b)(1), substituted reference to sections 2251, 2252, and 2253 of this title for reference to sections 1981 and 1982 of this title.

Subsec. (b)(2). Pub. L. 93–618, § 602(b)(2), (3), substituted "reports submitted by him" for "reports with respect to tariff adjustment submitted by him" and "section 2251(d) of this title" for "section 1901(e) of this title".

Subsec. (b)(3). Pub. L. 93–618, § 602(b)(4), (5), substituted "hearings held pursuant to" for hearings concerning foreign import restrictions held pursuant to" and "section 2411(c) and (d) of this title" for "section 1882(d) of this title".

Subsec. (c). Pub. L. 93–618, § 602(b)(5), substituted "section 2411(c) and (d) of this title" for "section 1882(d) of this title".

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

TRADE POLICY COMMITTEE

For provisions relating to the establishment of the Trade Policy Committee, see section 3 of Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2171 of this title.

§ 1873. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title II, § 243, Oct. 11, 1962, 76 Stat. 878, made provision for Congressional delegates to trade negotiations. See section 2211 of this title.

PART VI.—GENERAL PROVISIONS

§§ 1882 to 1884. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section 1882, Pub. L. 87–794, title II, § 252, Oct. 11, 1962, 76 Stat. 879, provided for Presidential action in the face of foreign import restrictions. See sections 2112 of this title.

Section 1883, Pub. L. 87–794, title II, § 253, Oct. 11, 1962, 76 Stat. 880, covered the area of staging requirements. See section 2119 of this title.

Section 1884, Pub. L. 87–794, title II, § 254, Oct. 11, 1962, 76 Stat. 880, provided for rounding authority. See section 2119 of this title.

§ 1885. Termination of proclamations.

(a) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

(b) The President may at any time terminate, in whole or in part, any proclamation made under this subchapter. (As amended Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 93–618 struck out subsec. (a) which provided for the termination of or withdrawn from trade agreements. See section 2135 of this title.

§ 1886. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title II, § 256, Oct. 11, 1962, 76 Stat. 881, defined terms. See section 2481 of this title.

SUBCHAPTER III.—TARIFF ADJUSTMENTS AND OTHER ADJUSTMENT ASSISTANCE

PART I.— ELIGIBILITY FOR ASSISTANCE

§ 1901. Repealed. Pub. L. 93–618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title III, § 301, Oct. 11, 1962, 76 Stat. 883, provided for Tariff Commission investigations and reports. See section 2251 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Section 602(e) of Pub. L. 93–618 provided in part that the repeals called for in section 602(e) of Pub. L. 93–618 [repealing subsecs. (a)(2) and (3), (c), (d)(2), and (f)(1) and (3) of this section, and sections 1902(b)(1) and (2), (c), (d), and (e), 1911 to 1915, 1917, 1931, 1941 to 1944, 1951, 1952, 1961 to 1963, and 1971 to 1978 of this title] are effective on the 90th day following Jan. 3, 1975.

The remaining parts of this section [subsecs. (a)(1), (b), (d)((1), (e), (f)(2), and (g) of this section] are repealed by section 602(d) of Pub. 93–618 without an effective date of repeal other than that of Pub. L. 93–618, which was approved on Jan. 3, 1976.

§ 1902. Repealed. Pub. L. 93–618, title VI, § 602(d), (e), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title III, § 302, Oct. 11, 1962, 76 Stat. 885, covered Presidential action after Tariff Commission determination. See section 2252 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal of subsecs. (b)(1) and (2), (c), (d), and (e) of this section effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

The remainder of this section [subsec. (a) of this section] is repealed by section 602(d) of Pub. L. 93–618 without an effective date of repeal other than that of Pub. L. 93–618, which was approved on Jan. 3, 1975.

PART III.—ADJUSTMENT ASSISTANCE TO FIRMS

§§ 1911 to 1915. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072.

Section 1911, Pub. L. 87–794, title III, § 311, Oct. 11, 1962, 76 Stat. 886, provided for the certification of proposals for adjustment assistance to firms. See section 2341 et seq. of this title.

Section 1912, Pub. L. 87–794, title III, § 312, Oct. 11, 1962, 76 Stat. 886, provided for the use of existing agencies in carrying out certified adjustment proposals. See section 2341 et seq. of this title.

Section 1913, Pub. L. 87–794, title III, § 313, Oct. 11, 1962, 76 Stat. 887, provided for the giving of technical assistance to firms. See section 2343 of this title.

Section 1914, Pub. L. 87–794, title III, § 314, Oct. 11, 1962, 76 Stat. 887, provided for the giving of financial assistance to firms. See section 2344 of this title.

Section 1915, Pub. L. 87–794, title III, § 315, Oct. 11, 1962, 76 Stat. 887, set out the conditions for the giving of financial assistance. See section 2345 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

§ 1917. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title III, § 317(a), Oct. 11, 1962, 76 Stat. 889, made provision for tax assistance to firms.

EFFECTIVE DATE OF REPEAL

Repeal effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

PART III.—ADJUSTMENT ASSISTANCE TO WORKERS

§ 1931. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title III, § 321, Oct. 11, 1962, 76 Stat. 892, authorized the giving of adjustment assistance to workers. See section 2271 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

SUBPART A.—TRADE READJUSTMENT ALLOWANCES

§§ 1941 to 1944. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072.

Section 1941, Pub. L. 87–794, title III, § 322, Oct. 11, 1962, 76 Stat. 892, set out the qualifying requirements for trade readjustment allowances. See section 2291 of this title.

Section 1942, Pub. L. 87–794, title III, § 323, Oct. 11, 1962, 76 Stat. 893, set out the provisions covering the weekly amount for trade readjustment allowances. See section 2292 of this title.

Section 1943, Pub. L. 87–794, title III, § 324, Oct. 11, 1962, 76 Stat. 894, set out time limitations for trade readjustment allowances. See section 2293 of this title.

Section 1944, Pub. L. 87–794, title III, § 325, Oct. 11, 1962, 76 Stat. 894, provided for the application of State laws. See section 2294 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

Subpart B.—Training

§§ 1951, 1952. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072.

Section 1951, Pub. L. 87–794, title III, § 326, Oct. 11, 1962, 76 Stat. 895, provided for training to prepare workers for full employment. See section 2295 of this title.

Section 1952, Pub. L. 87–794, title III, § 327, Oct. 11, 1962, 76 Stat. 895, provided for disqualification for refusal of training. See section 2296 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective on the 90th days following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

Subpart C.—Relocation Assistance

§§ 1961 to 1963. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072.

Section 1961, Pub. L. 87–794, title III, § 328, Oct. 11, 1962, 76 Stat. 895, provided for the application for a relocation allowance. See sections 2297 and 2298 of this title

Section 1962, Pub. L. 87–794, title III, § 329, Oct. 11, 1962, 76 Stat. 895, set out the qualifying requirements for training. See sections 2297 and 2298 of this title.

Section 1963, Pub. L. 87–794, title III, § 330, Oct. 11, 1962, 76 Stat. 896, defined the term "relocation allowance". See sections 2297 and 2298 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective on the 90th days following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

Subpart D.—General Provisions

§§ 1971 to 1978. Repealed. Pub. L. 93–618, title VI, § 602(e), Jan. 3, 1975, 88 Stat. 2072.

Section 1971, Pub. L. 87–794, title III, § 331, Oct. 11, 1962, 76 Stat. 896, made provision for agreements with States. See section 2311 et seq. of this title.

Section 1972, Pub. L. 87–794, title III, § 332, Oct. 11, 1962, 76 Stat. 896, made provision for payments to States. See section 2313 of this title.

Section 1973, Pub. L. 87–794, title III, § 333, Oct. 11, 1962, 76 Stat. 897, provided for the liabilities of certifying and disbursing officers. See section 2314 of this title.

Section 1974, Pub. L. 87–794, title III, § 334, Oct. 11, 1962, 76 Stat. 897, provided for the recovery of overpayments. See section 2315 of this title.

Section 1975, Pub. L. 87–794, title III, § 335, Oct. 11, 1962, 76 Stat. 897, set out the penalties for making false statements or failing to disclose material facts. See section 2316 of this title.

Section 1976, Pub. L. 87–794, title III, § 336, Oct. 11, 1962, 76 Stat. 897, provided for the review of determinations as to entitlement for adjustment assistance. See section 2322 of this title.

Section 1977, Pub. L. 87–794, title III, § 337, Oct. 11, 1962, 76 Stat. 897, authorized appropriations for adjustment assistance to workers.

Section 1978, Pub. L. 87–794, title III, § 338, Oct. 11, 1962, 76 Stat. 897, defined terms. See section 2319 of this title.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective on the 90th day following Jan. 3, 1975, see Effective Date of Repeal note under section 1901 of this title.

PART IV.—TARIFF ADJUSTMENTS

§ 1981. General authority.

* * * * *

(c) Reduction, termination, or extension of increase in, or imposition of, any duty or other import restriction.

(1) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951—

(A) may be reduced or terminated by the President when he determines, after taking into account the advice received from the United States International Trade Commission under subsection (d)(2) of this section and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest, and

(B) unless extended under section 2253 of this title, shall terminate not later than the close of the date which is 4 years (or, in the case of any such increase or imposition proclaimed pursuant to such section 7, 5 years) after the effective date of the initial proclamation or October 11, 1962, whichever date is the later.

(2) Repealed. Pub. L. 93–618, title VI, § 602 (d), Jan. 3, 1975, 88 Stat. 2072.

(d) Review of developments with respect to industries concerned; annual report to President; advice of probable economic effect; considerations; investigations; hearings.

(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the United States International Trade Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

* * * * *

(3) Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

* * * * *

(As amended Pub. L. 93–618, title I, § 171(b), title VI, § 602 (c), (d), Jan. 3, 1975, 88 Stat. 2009, 2072.)

AMENDMENTS

1975—Subsec. (c)(1)(B). Pub. L. 93–618, § 692(c), substituted "unless extended under section 2253 of this title" for "unless extended under paragraph (2),".

Subsec. (c)(2). Pub. L. 93–618, § 602(d), struck out subsec. (c)(2) which provided for the extension of increases in, or imposition of, duties or other import restrictions. See section 2253 of this title.

Subsec. (d)(3). Pub. L. 93–618, § 602(d), struck out subsec. (d)(3) which provided for notification to the President by the Tariff Commission of the probable impact of the termination of duties or other import restrictions.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2137, 2253, 2463 of this title.

§ 1982. Orderly marketing agreements; negotiation; regulations governing entry or withdrawal from warehouse.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, Title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

DELEGATION OF FUNCTIONS

Functions of the President under subsec. (b) of this section, concerning the issuance of regulations governing the entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement, delegated to the Secretary of Treasury, see section 5(b) of Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, set out as a note under section 2111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2253 of this title.

PART V.—ADVISORY BOARD

§ 1991. Repealed. Pub. L. 93–618, title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072.

Section, Pub. L. 87–794, title III, § 361, Oct. 11, 1962, 76 Stat. 901, established the Adjustment Assistance Advisory Board.

Chapter 8.—AUTOMOTIVE PRODUCTS

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 46–307 of the District of Columbia Code.

§ 2012. Implementation of other Agreements.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

§ 2022. Special authority during transitional period under the Agreement.

CHANGE OF NAME

The United States Tariff Commission redesignated the United States International Trade Commission by Pub. L. 93–618, title I, § 171(b), Jan. 3, 1975, 88 Stat. 2009. See section 2231 of this title.

Chapter 10.—BUREAU OF CUSTOMS

§§ 2071, 2072.

TRANSFER OF FUNCTIONS

All functions vested by law in the Attorney General, the Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were transferred to the Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 11.—IMPORTATION OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS [New]

Sec.

2091. List of stone carvings and wall art; promulgation and revision; criteria for classification.
2092. Certification from country of origin of lawfulness of exportation; failure of consignee to present to customs officer certification or evidence of inapplicability of list; seizure of articles until filing of certification or evidence; time for filing; failure to file.
2093. Forfeiture of articles unlawfully imported into United States; disposal of articles.
2094. Rules and regulations.
2095. Definitions.

§ 2091. List of stone carvings and wall art; promulgation and revision; criteria for classification.

The Secretary, after consultation with the Secretary of State, by regulation shall promulgate, and thereafter when appropriate shall revise, a list of stone carvings and wall art which are pre-Columbian monumental or architectural sculpture or murals within the meaning of paragraph (3) of section 2095 of this title. Such stone carvings and wall art may be listed by type or other classification deemed appropriate by the Secretary. (Pub. L. 92–587, title II, § 201, Oct. 27, 1972, 86 Stat. 1297.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2092 of this title.

§ 2092. Certification from country of origin of lawfulness of exportation; failure of consignee to present to customs officer certification or evidence of inapplicability of list; seizure of articles until filing of certification or evidence; time for filing; failure to file.

(a) No pre-Columbian monumental or architectural sculpture or mural which is exported (whether or not such exportation is to the United States) from the country of origin after the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title may be imported into the United States unless the government of the country of origin of such sculpture or mural issues a certificate, in a form acceptable to the Secretary, which certifies that such exportation was not in violation of the laws of that country.

(b) If the consignee of any pre-Columbian monumental or architectural sculpture or mural is unable to present to the customs officer concerned at the time of making entry of such sculpture or mural—

(1) the certificate of the government of the country of origin required under subsection (a) of this section;

(2) satisfactory evidence that such sculpture or mural was exported from the country of origin on or before the effective date of the regulation listing such sculpture or mural pursuant to section 2091 of this title; or

(3) satisfactory evidence that such sculpture or mural is not covered by the list promulgated under section 2091 of this title;

the customs officer concerned shall take the sculpture or mural into customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until such certificate or evidence is filed with such officer. If such certificate or evidence is not presented within the 90-day period after the date on which such sculpture or mural is taken into customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the importation of such sculpture or mural into the United States is in violation of this chapter. (Pub. L. 92–587, title II, § 202, Oct. 27, 1972, 86 Stat. 1297.)

CODIFICATION

References to section 202 of Pub. L. 92–587 in the original were translated as section 2091 of this title in the classification of Pub. L. 92–587 as the probable intent of Congress.

§ 2093. Forfeiture of articles unlawfully imported into United States; disposal of articles.

(a) Any pre-Columbian monumental or architectural sculpture or mural imported into the United States in violation of this chapter shall be seized and subject to forfeiture under the customs laws.

(b) Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall—

(1) first be offered for return to the country of origin and shall be returned if that country bears all expenses incurred incident to such return and complies with such other requirements relating to the return as the Secretary shall prescribe; or

(2) if not returned to the country of origin, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

(Pub. L. 92–587, title II, § 203, Oct. 27, 1972, 86 Stat. 1297.)

§ 2094. Rules and regulations.

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter. (Pub. L. 92–587, title II, § 204, Oct. 27, 1972, 86 Stat. 1297.)

§ 2095. Definitions.

For the purposes of this chapter—

(1) The term "Secretary" means the Secretary of the Treasury.

(2) The term "United States" includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) The term "pre-Columbian monumental or architectural sculpture or mural" means—

(A) any stone carving or wall art which—

(i) is the product of a pre-Columbian Indian culture of Mexico, Central America, South America, or the Caribbean Islands;

(ii) was an immobile monument or architectural structure or was a part of, or affixed to, any such monument or structure; and

(iii) is subject to export control by the country of origin; or

(B) any fragment or part of any stone carving or wall art described in subparagraph (A) of this paragraph.

(4) The term "country of origin", as applied to any pre-Columbian monumental or architectural sculpture or mural, means the country where such sculpture or mural was first discovered.

(Pub. L. 92–587, title II, § 205, Oct. 27, 1972, 86 Stat. 1297.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2091 of this title.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1337, 1352 of this title.

§ 2101. Short title.

This chapter may be cited as the "Trade Act of 1974". (Pub. L. 93–618, § 1, Jan. 3, 1975, 88 Stat. 1978.)

REFERENCES IN TEXT

This "chapter", referred to in text, was in the original this "Act", meaning Pub. L. 93–618, which in addition to enacting this chapter enacted section 1863 of this title, amended sections 160, 162, 163, 164, 170a, 1202, 1303, 1315, 1321, 1330, 1332, 1333, 1337, 1352, 1484, 1516, 1806, 1862, 1872, 1885, and 1981 of this title, sections 5312, 5314, 5315, and 5316 of Title 5, Government Organization and Employees, section 301 of Title 13, Census, section 3302 of Title 26, Internal Revenue Code, sections 2631 and 2632 of Title 28, Judiciary and Judicial Procedure, and section 665 of Title 31, Money and Finance, repealed sections 1802, 1803, 1804, 1805, 1822, 1831, 1832, 1833, 1841, 1842, 1843, 1844, 1845, 1846 1861, 1871, 1873, 1882, 1883, 1884, 1886, 1901, 1902, 1911, 1912, 1913, 1914, 1915, 1917, 1931, 1941, 1942, 1943, 1944, 1951, 1952, 1961, 1962, 1963, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, and 1991 of this title, and enacted provisions set out as notes under this section and sections 160, 162, 1303, 1321, 1337, 1484, 1515, 1516, 1901, and 2271 of this title and section 301 of Title 13, Census.

REFERENCES IN OTHER LAWS DEEMED REFERENCES TO TRADE ACT OF 1974

Section 602(f) of Pub. L. 93–618 provided that: "All provisions of law (other than this Act [this chapter], the Trade Expansion Act of 1962 [chapter 7 of this title], and the Trade Agreements Extension Act of 1951 [see Short Title note under section 1360 of this title]), in effect after the date of enactment of this Act [Jan. 3, 1975], referring to section 350 of the Tariff Act of 1930 [section 1351 of this title], to that section as amended, to the Act entitled "An Act to amend the Tariff Act of 1930," approved June 12, 1934 [enacting sections 1352, 1353, and 1354 and amending section 1351 of this title], to that Act as amended or to the Trade Expansion Act of 1962 [chapter 7 of this title], or to agreements entered into, or proclamations issued, or actions taken under any of such provisions, shall be construed, unless clearly precluded by the context, to refer also to this Act [this chapter], or to agreements entered into or proclamations or orders issued, pursuant to this Act [this chapter]."

SEPARABILITY OF PROVISIONS

Section 605 of Pub. L. 93–618 provided that: "If any provision of this Act [see References in Text note under this section], or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act [see References in Text note under this section], and of the application of such provision to other circumstances or persons, shall not be affected thereby."

§ 2102. Congressional statement of purpose.

The purposes of this chapter are, through trade agreements affording mutual benefits—

(1) to foster the economic growth of and full employment in the United States and to strengthen economic relations between the United States and foreign countries through open and nondiscriminatory world trade;

(2) to harmonize, reduce, and eliminate barriers to trade on a basis which assures substantially equivalent competitive opportunities for the commerce of the United States;

(3) to establish fairness and equity in international trading relations, including reform of the General Agreement on Tariffs and Trade;

(4) to provide adequate procedures to safeguard American industry and labor against unfair or injurious import competition, and to assist industries, firm,[1] workers, and communities to adjust to changes in international trade flows;

(5) to open up market opportunities for United States commerce in nonmarket economies; and

(6) to provide fair and reasonable access to products of less developed countries in the United States market.

(Pub. L. 93–618, § 2, Jan. 3, 1975, 88 Stat. 1981.)

SUBCHAPTER I.—NEGOTIATING AND OTHER AUTHORITY

PART I.—RATES OF DUTY AND OTHER TRADE BARRIERS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2151 to 2154 of this title.

§ 2111. Basic authority for trade agreements.

(a) Whenever the President determines that any existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes of this chapter will be promoted thereby, the President—

(1) during the 5-year period beginning on January 3, 1975, may enter into trade agreements with foreign countries or instrumentalities thereof; and

(2) may proclaim such modification or continuance of any existing duty, such continuance of existing duty-free or excise treatment, or such additional duties, as he determines to be required or appropriate to carry out any such trade agreement.

(b)(1) Except as provided in paragraph (2), no proclamation pursuant to subsection (a)(2) of this section shall be made decreasing a rate of duty to a rate below 40 percent of the rate existing on January 1, 1975.

(2) Paragraph (1) shall not apply in the case of any article for which the rate of duty existing on January 1, 1975, is not more than 5 percent ad valorem.

(c) No proclamation shall be made pursuant to subsection (a)(2) of this section increasing any rate of duty to, or imposing a rate above, the highre of the following:

(1) the rate which is 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States as in effect on January 1, 1975, or

(2) the rate which is 20 percent ad valorem above the rate existing on January 1, 1975.

(Pub. L. 93–618, title I, § 101, Jan. 3, 1975, 88 Stat. 1982.)

EX. ORD. NO. 11846. ADMINISTRATION OF TRADE AGREEMENTS PROGRAM

Ex. Ord. No. 11846, Mar. 27, 1975, 40 F.R. 14291, as amended by Ex. Ord. No. 11894, Jan. 3, 1976, 41 F.R. 1041, provided:

By virtue of the authority vested in me by the Trade Act of 1974, hereinafter referred to as the Act (Public Law 93–618, 88 Stat. 1978) [this chapter], the Trade Expansion Act of 1962, as amended (19 U.S.C. 1801), Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *The Trade Agreements Program.* The "trade agreements program" includes all activities consisting of, or related to, the negotiation or administration of international agreements which primarily concern trade and which are concluded pursuant to the authority vested in the President by the Constitution, Section 350 of the Tariff Act of 1930 [section 1351 of this title], as amended, the Trade Expansion Act of 1962, as amended [section 1801 et seq. of this title], or the Act [this chapter].

SEC. 2. *The Special Representative for Trade Negotiations.*

(a) The Special Representative for Trade Negotiations, hereinafter referred to as the Special Representative, in addition to the functions conferred upon him by the Act [this chapter], including Section 141 thereof [section 2171 of this title], and in addition to the functions and responsibilities set forth in this Order, shall be responsible for such other functions as the President may direct.

(b) The Special Representative, except where otherwise expressly provided by statute, Executive order, or instructions of the President, shall be the chief representative of the United States for each negotiation under the trade agreements program and shall participate in other negotiations which may have a direct and significant impact on trade.

[1] So in original.

(c) The Special Representative shall prepare, for the President's transmission to Congress, the annual report on the trade agreements program required by Section 163(a) of the Act [section 2213(a) of this title]. At the request of the Special Representative, other agencies shall assist in the preparation of that report.

(d) The Special Representative, except where expressly otherwise provided or prohibited by statute, Executive order, or instructions of the President, shall be responsible for the proper administration of the trade agreements program, and may, as he deems necessary, assign to the head of any Executive agency or body the performance of his duties which are incidental to the administration of the trade agreements program.

(e) The Special Representative shall consult with the Trade Policy Committee in connection with the performance of his functions, including those established or delegated by this Order, and shall, as appropriate, consult with other Federal agencies or bodies. With respect to the performance of his functions under Title IV of the Act [section 2431 et seq. of this title], including those established or delegated by this Order, the Special Representative shall also consult with the East-West Foreign Trade Board.

(f) The Special Representative shall be responsible for the preparation and submission of any Proclamation which relates wholly or primarily to the trade agreements program. Any such Proclamation shall be subject to all the provisions of Executive Order No. 11030, as amended [set out as a note under section 1505 of Title 44], except that such Proclamation need not be submitted to the Director of the Office of Management and Budget.

(g) The Secretary of State shall advise the Special Representative, and the Committee, on the foreign policy implications of any action under the trade agreements program. The Special Representative shall invite appropriate departments to participate in trade negotiations of particular interest to such departments, and the Department of State shall participate in trade negotiations which have a direct and significant impact on foreign policy.

SEC. 3. *The Trade Policy Committee.* (a) As provided by Section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), as amended by Section 602(b) of the Act, there is established the Trade Policy Committee, hereinafter referred to as the Committee. The Committee shall be composed of:

(1) The Special Representative, who shall be Chairman.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Attorney General.
(6) The Secretary of the Interior.
(7) The Secretary of Agriculture.
(8) The Secretary of Commerce.
(9) The Secretary of Labor.
(10) The Assistant to the President for Economic Affairs.
(11) The Executive Director of the Council on International Economic Policy.

Each member of the Committee may designate an officer of his agency, whose status is not below that of an Assistant Secretary, to serve in his stead, when he is unable to attend any meetings of the Committee. The Chairman, as he deems appropriate, may invite representatives from other agencies to attend the meetings of the Committee.

(b) The Committee shall have the functions conferred by the Trade Expansion Act of 1962, as amended [section 1801 et seq. of this title], upon the inter-agency organization referred to in Section 242 thereof, as amended [section 1872 of this title], the functions delegated to it by the provisions of this Order, and such other functions as the President may from time to time direct. Recommendations and advice of the Committee shall be submitted to the President by the Chairman.

(c) The recommendations made by the Committee under Section 242(b)(1) of the Trade Expansion Act of 1962, as amended [section 1872(b)(1) of this title], with respect to basic policy issues arising in the administration of the trade agreements program, as approved or modified by the President, shall guide the administration of the trade agreements program. The Special Representative or any other officer who is chief representative of the United States in a negotiation in connection with the trade agreements program shall keep the Committee informed with respect to the status and conduct of negotiations and shall consult with the Committee regarding the basic policy issues arising in the course of negotiations.

(d) Before making recommendations to the President under Section 242(b)(2) of the Trade Expansion Act of 1962, as amended [section 1872(b)(2) of this title], the Committee shall, through the Special Representative, request the advice of the Adjustment Assistance Coordinating Committee, established by Section 281 of the Act [section 2392 of this title].

(e) The Committee shall advise the President as to what action, if any, he should take under Section 337(g) of the Tariff Act of 1930, as amended by Section 341 of the Act [section 1337 of this title], relating to unfair practices in import trade.

(f) The Trade Expansion Act Advisory Committee established by Section 4 of Executive Order No. 11075 of January 15, 1963, is abolished and all of its records are transferred to the Trade Policy Committee.

SEC. 4. *Trade Negotiations Under Title I of the Act.*

(a) The functions of the President under Section 102 of the Act [section 2112 of this title] concerning notice to, and consultation with, Congress, in connection with agreements on nontariff barriers to, and other distortions of, trade, are hereby delegated to the Special Representative.

(b) The Special Representative, after consultation with the Committee, shall prepare, for the President's transmission to Congress, all proposed legislation and other documents necessary or appropriate for the implementation of, or otherwise required in connection with, trade agreements; provided, however, that where implementation of an agreement on nontariff barriers to, and other distortions of, trade requires a change in a domestic law, the department or agency having the primary interest in the administration of such domestic law shall prepare and transmit to the Special Representative the proposed legislation necessary or appropriate for such implementation.

(c) The functions of the President under Section 131 (c) of the Act [section 2151(c) of this title] with respect to advice of the International Trade Commission and under Section 132 of the Act [section 2152 of this title] with respect to advice of the departments of the Federal Government and other sources, are delegated to the Special Representative. The functions of the President under Section 133 of the Act [section 2152 of this title] with respect to public hearings in connection with certain trade negotiations are delegated to the Special Representative, who shall designate an interagency committee to hold and conduct any such hearings.

(d) The functions of the President under Section 135 of the Act [section 2155 of this title] with respect to advisory committees and, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App. I), except that of reporting annually to Congress, which are applicable to advisory committees under the Act [this chapter] are delegated to the Special Representative. In establishing and organizing general policy advisory committees or sector advisory committees under Section 135(c) of the Act [section 2155(c) of this title], the Special Representative shall act through the Secretaries of Commerce, Labor and Agriculture, as appropriate.

(e) The functions of the President with respect to determining ad valorem amounts and equivalents pursuant to Sections 601 (3) and (4) of the Act [section 2481(3) and (4) of this title] are hereby delegated to the Special Representative. The International Trade Commission is requested to advise the Special Representative with respect to determining such ad valorem amounts and equivalents. The Special Representative shall seek the advice of the Commission and consult with the Committee with respect to the determination of such ad valorem amounts and equivalents.

(f) Advice of the International Trade Commission under Section 131 of the Act [section 2151 of this title], and other advice or reports by the International Trade Commission to the President or the Special Representative, the release or disclosure of which is not specifically authorized or required by law, shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Special Representative.

SEC. 5. *Import Relief and Market Disruption.*

(a) The Special Representative is authorized to request from the International Trade Commission the information specified in Sections 202(d) and 203(i)(1) and (2) of the Act [sections 2252(d) and 2253(i)(1) and (2) of this title].

(b) The Secretary of the Treasury, in consultation with the Secretary of Commerce or the Secretary of Agriculture, as appropriate, is authorized to issue, under Section 203(g) of the Act [section 2253(g) of this title], regulations governing the administration of any quantitative restrictions proclaimed in order to provide import relief and is authorized to issue, under Section 203(g) of the Act [section 2253(g) of this title] or 352(b) of the Trade Expansion Act of 1962 [section 1982(b) of this title], regulations governing the entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement.

(c) The Secretary of Commerce shall exercise primary responsibility for monitoring imports under any orderly marketing agreement.

SEC. 6. *Unfair Trade Practices.*

(a) The Special Representative, acting through an interagency committee which he shall designate for such purpose, shall provide the opportunity for the presentation of views, under Sections 301(d)(1) and 301(e)(1) of the Act [section 2411(d)(1) and (e)(1) of this title], with respect to unfair or unreasonable foreign trade practices and with respect to the United States response thereto.

(b) The Special Representative shall provide for appropriate public hearings under Section 301(e)(2) of the Act [section 2411(e)(2) of this title]; and, shall issue regulations concerning the filing of requests for, and the conduct of, such hearings.

(c) The Special Representative is authorized to request, pursuant to Section 301(e)(3) of the Act [section 2411(e)(3) of this title], from the International Trade Commission, its views as to the probable impact on the economy of the United Sates of any action under Section 301(a) of the Act [section 2411(a) of this title].

SEC. 7. *East-West Foreign Trade Board.* (a) In accordance with Section 411 of the Act [section 2441 of this title], there is hereby established the East-West Foreign Trade Board, hereinafter referred to as the Board. The Board shall be composed of the following members and such additional members of the Executive branch as the President may designate:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Defense.
(4) The Secretary of Agriculture.
(5) The Secretary of Commerce.
(6) The Special Representative for Trade Negotiations.
(7) The Director of the Office of Management and Budget.
(8) The Executive Director of the Council on International Economic Policy.
(9) The President of the Export-Import Bank of the United States.
(10) The Assistant to the President for Economic Affairs.

The President shall designate the Chairman and the Deputy Chairman of the Board. The President may designate an Executive Secretary, who shall be Chairman of a working group which will include membership from the agencies represented on the Board.

(b) The Board shall perform such functions as are required by Section 411 of the Act [section 2441 of this title] and such other functions as the President may direct.

(c) The Board is authorized to promulgate such rules and regulations as are necessary or appropriate to carry out its responsibilities under the Act [this chapter] and this Order.

(d) The Secretary of State shall advise the President with respect to determinations required to be made in connection with Sections 402 and 409 of the Act (dealing with freedom of emigration) [sections 2432 and 2439 of this title] and Section 403 (dealing with United States personnel missing in action in Southeast Asia) [section 2433 of this title], and shall prepare, for the President's transmission to Congress, the reports and other documents required by Sections 402 and 409 of the Act [sections 2432 and 2439 of this title].

(e) The President's Committee on East-West Trade Policy, established by Executive Order No. 11789 of June 25, 1974, as amended by Section 6(d) of Executive Order No. 11808 of September 30, 1974, is abolished and all of its records are transferred to the Board.

SEC. 8. *Generalized System of Preferences.*

(a) The Special Representative, in consultation with the Secretary of State, shall be responsible for the administration of the generalized system of preferences under Title V of the Act. [section 2461 et seq. of this title].

(b) The Committee, through the Special Representative, shall advise the President as to which countries should be designated as beneficiary developing countries, and as to which articles should be designated as eligible articles for the purposes of the system of generalized preferences.

SEC. 9. *Prior Executive Orders.* (a) Executive Order No. 11789 of June 25, 1974, and Section 6(d) of Executive Order No. 11808 of September 30, 1974, relating to the President's Committee on East-West Trade Policy are hereby revoked.

(b)(1) Sections 5(b), 7, and 8 of Executive Order No. 11075 of January 15, 1963, are hereby revoked effective April 3, 1975; (2) the remainder of Executive Order No. 11075, and Executive Order No. 11106 of April 18, 1963 and Executive Order No. 11113 of June 13, 1963, are hereby revoked.

GERALD R. FORD

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2113 to 2116, 2119, 2133, 2134, 2155, 2463 of this title.

§ 2112. Nontariff barriers to and other distortions of trade.

(a) Congressional findings; directives; disavowal of prior approval of legislation.

The Congress finds that barriers to (and other distortions of) international trade are reducing the growth of foreign markets for the products of United States agriculture, industry, mining, and commerce, diminishing the intended mutual benefits of reciprocal trade concessions, adversely affecting the United States economy, preventing fair and equitable access to supplies, and preventing the development of open and nondiscriminatory trade among nations. The President is urged to take all appropriate and feasible steps within his power (including the full exercise of the rights of the United States under international agreements) to harmonize, reduce, or eliminate such barriers to (and other distortions of) international trade. The President is further urged to utilize the authority granted by subsection (b) of this section to negotiate trade agreements with other countries and instrumentalities providing on a basis of mutuality for the harmonization, reduction, or elimination of such barriers to (and other distortions of) international trade. Nothing in this subsection shall be construed as prior approval of any legislation which may be necessary to implement an

agreement concerning barriers to (or other distortions of) international trade.

(b) Presidential determinations prerequisite to entry into trade agreements.

Whenever the President determines that any barriers to (or other distortions of) international trade of any foreign country or the United States unduly burden and restrict the foreign trade of the United States or adversely affect the United States economy, or that the imposition of such barriers is likely to result in such a burden, restriction, or effect, and that the purposes of this chapter will be promoted thereby, the President, during the 5-year period beginning on January 3, 1975, may enter into trade agreements with foreign countries or instrumentalities providing for the harmonization, reduction, or elimination of such barriers (or other distortions) or providing for the prohibition of or limitations on the imposition of such barriers (or other distortions).

(c) Presidential consultation with Congress prior to entry into trade agreements.

Before the President enters into any trade agreement under this section providing for the harmonization, reduction, or elimination of a barrier to (or other distortion of) international trade, he shall consult with the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and with each committee of the House and the Senate and each joint committee of the Congress which has jurisdiction over legislation involving subject matters which would be affected by such trade agreement. Such consultation shall include all matters relating to the implementation of such trade agreement as provided in subsections (d) and (e) of this section. If it is proposed to implement such trade agreement, together with one or more other trade agreements entered into under this section, in a single implementing bill, such consultation shall include the desirability and feasibility of such proposed implementation.

(d) Submission to Congress of agreements, drafts of implementing bills, and statements of proposed administrative action.

Whenever the President enters into a trade agreement under this section providing for the harmonization, reduction, or elimination of a barrier to (or other distortion of) international trade, he shall submit such agreement, together with a draft of an implementing bill (described in section 2191(b) of this title) and a statement of any administrative action proposed to implement such agreement, to the Congress as provided in subsection (e) of this section, and such agreement shall enter into force with respect to the United States only if the provisions of subsection (e) of this section are complied with and the implementing bill submitted by the President is enacted into law.

(e) Steps prerequisite to entry into force of trade agreements.

Each trade agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 90 days before the day on which he enters into such trade agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits a document to the House of Representatives and to the Senate containing a copy of such agreement together with—

(A) a draft of an implementing bill and a statement of any administrative action proposed to implement such agreement, and an explanation as to how the implementing bill and proposed administrative action change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interests of United States commerce and as to why the implementing bill and proposed administrative action is required or appropriate to carry out the agreement; and

(3) the implementing bill is enacted into law.

(f) Obligations imposed upon foreign countries or instrumentalities receiving benefits under trade agreements.

To insure that a foreign country or instrumentality which receives benefits under a trade agreement entered into under this section is subject to the obligations imposed by such agreement, the President may recommend to Congress in the implementing bill and statement of administrative action submitted with respect to such agreement that the benefits and obligations of such agreement apply solely to the parties to such agreement, if such application is consistent with the terms of such agreement. The President may also recommend with respect to any such agreement that the benefits and obligations of such agreement not apply uniformly to all parties to such agreement, if such application is consistent with the terms of such agreement.

(g) Definitions.

For purposes of this section—

(1) the term "barrier" includes the American selling price basis of customs evaluation as defined in section 1401a or 1402 of this title, as appropriate;

(2) the term "distortion" includes a subsidy; and

(3) the term "international trade" includes trade in both goods and services.

(Pub. L. 93–618, title I, § 102, Jan. 3, 1975, 88 Stat. 1982.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1303, 2113 to 2118, 2136, 2151, 2155, 2191, 2194 of this title.

§ 2113. Overall negotiating objective.

The overall United States negotiating objective under sections 2111 and 2112 of this title shall be to obtain more open and equitable market access and the harmonization, reduction, or elimination of devices which distort trade or commerce. To the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction, or elimination of industrial trade barriers and distortions. (Pub. L. 93–618, title I, § 103, Jan. 3, 1975, 88 Stat. 1984.)

§ 2114. Sector negotiating objectives.

(a) Obtaining equivalent competitive opportunities.

A principal United States negotiating objective under sections 2111 and 2112 of this title shall be to obtain, to the maximum extent feasible, with respect to appropriate product sectors of manufacturing, and with respect to the agricultural sector, competitive opportunities for United States exports to the developed countries of the world equivalent to the competitive opportunities afforded in United States markets to the importation of like or similar products, taking into account all barriers (including tariffs) to and other distortions of international trade affecting that sector.

(b) Conduct of negotiations on basis of appropriate product sectors of manufacturing.

As as means of achieving the negotiating objective set forth in subsection (a) of this section, to the extent consistent with the objective of maximizing overall economic benefit to the United States (through maintaining and enlarging foreign markets for products of United States agriculture, industry, mining, and commerce, through the deveolpment of fair and equitable market opportunities, and through open and nondiscriminatory world trade), negotiations shall, to the extent feasible be conducted on the basis of appropriate product sectors of manufacturing.

(c) Identification of appropriate product sectors of manufacturing.

For the purposes of this section and section 2155 of this title, the Special Representative for Trade Negotiations together with the Secretary of Commerce, Agriculture, or Labor, as appropriate, shall, after consultation with the Advisory Committee for Trade Negotiations established under section 2155 of this title and after consultation with interested private organizations, identify appropriate product sectors of manufacturing.

(d) Presidential analysis of how negotiating objectives are achieved in each product sector by trade agreements.

If the President determines that competitive opportunities in one or more product sectors will be significantly affected by a trade agreement concluded under section 2111 or 2112 of this title he shall submit to the Congress with each such agreement an analysis of the extent to which the negotiating objective set forth in subsection (a) of this section is achieved by such agreement in each product sector or product sectors. (Pub. L. 93–618, title I, § 104, Jan. 3, 1975, 88 Stat. 1984.)

§ 2115. Bilateral trade agreements.

If the President determines that bilateral trade agreements will more effectively promote the economic growth of, and full employment in, the United States, then, in such cases, a negotiating objective under sections 2111 and 2112 of this title shall be to enter into bilateral trade agreements. Each such trade agreement shall provide for mutually advantageous economic benefits. (Pub. L. 93–618, title I, § 105, Jan. 3, 1975, 88 Stat. 1984.)

§ 2116. Agreements with developing countries.

A United States negotiating objective under sections 2111 and 2112 of this title shall be to enter into trade agreements which promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities. (Pub. L. 93–618, title I, § 106, Jan. 3, 1975, 88 Stat. 1985.)

§ 2117. International safeguard procedures.

(a) A principal United States negotiating objective under section 2112 of this title shall be to obtain internationally agreed upon rules and procedures, in the context of the harmonization, reduction, or elimination of barriers to, and other distortions of, international trade, which permit the use of temporary measures to ease adjustment to changes occurring in competitive conditions in the domestic markets of the parties to an agreement resulting from such negotiations due to the expansion of international trade.

(b) Any agreement entered into under section 2112 of this title may include provisions establishing procedures for—

(1) notification of affected exporting countries,

(2) international consultations,

(3) international review of changes in trade flows,

(4) making adjustments in trade flows as the result of such changes, and

(5) international mediation.

Such agreements may also include provisions which—

(A) exclude, under specified conditions, the parties thereto from compensation obligations and retaliation, and

(B) permit domestic public procedures through which interested parties have the right to participate.

(Pub. L. 93–618, title I, § 107, Jan. 3, 1975, 88 Stat. 1985.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2131 of this title.

§ 2118. Access to supplies.

(a) A principal United States negotiating objective under section 2112 of this title shall be to enter into trade agreements with foreign countries and instrumentalities to assure the United States of fair and equitable access at reasonable prices to supplies of articles of commerce which are important to the economic requirements of the United States and for which the United States does not have, or cannot easily develop, the necessary domestic productive capacity to supply its own requirements.

(b) Any agreement entered into under section 2112 of this title may include provisions which—

(1) assure to the United States the continued availability of important articles at reasonable prices, and

(2) provide reciprocal concessions or comparable trade obligations, or both, by the United States.

(Pub. L. 93–618, title I, § 108, Jan. 3, 1975, 88 Stat. 1985.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2462 of this title.

§ 2119. Staging requirements and rounding authority.

(a) Maximum aggregate reductions in rates of duty.

Except as otherwise provided in this section, the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement under section 2111 of this title shall not exceed the aggregate reduction which would have been in effect on such day if—

(1) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed pursuant to section 2111 (a) (2) of this title to carry out such agreement with respect to such article, and

(2) a reduction equal to the amount applicable under paragraph (1) had taken effect at 1-year intervals after the effective data of such first reduction.

This subsection shall not apply in any case where the total reduction in the rate of duty does not exceed 10 percent of the rate before the reduction.

(b) Simplification of computation.

If the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed the limitation provided by section 2111(b) of this title or subsection (a) of this section by not more than whichever of the following is lesser:

(1) the difference between the limitation and the next lower whole number, or

(2) one-half of 1 percent ad valorem.

(c) Ten-year period for commencement of reductions in rates of duty.

(1) No reduction in the rate of duty on any article pursuant to a trade agreement under section 2111 of this title shall take effect more than 10 years after the effective date of the first reduction proclaimed to carry out such trade agreement with respect to such article.

(2) If any part of a reduction takes effect, then any time thereafter during which such part of the reduction is not in effect by reason of legislation of the United States or action thereunder, the effect of which is to maintain or increase the rate of duty on an article, shall be excluded in determining—

(A) the 1-year intervals referred to in subsection (a) (2) of this section, and

(B) the expiration of the 10-year period referred to in paragraph (1) of this subsection.

(Pub. L. 93–618, title I, § 109, Jan. 3, 1975, 88 Stat. 1985.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2133, 2134, 2151 of this title.

PART 2.—OTHER AUTHORITY

§ 2131. Steps to be taken toward GATT revision.

(a) Bringing existing trade agreements into conformity with principles promoting open, nondiscriminatory, and fair world economic system.

The President shall, as soon as practicable, take such action as may be necessary to bring trade agreements heretofore entered into, and the application thereof, into conformity with principles promoting the development of an open, nondiscriminatory, and fair world economic system. The action and principles referred to in the preceding sentence include, but are not limited to, the following—

(1) the revision of decisionmaking procedures in the General Agreement on Tariffs and Trade (hereinafter in this subsection referred to as "GATT") to more nearly reflect the balance of economic interests,

(2) the revision of article XIX of the GATT into a truly international safeguard procedure which takes into account all forms of import restraints countries use in response to injurious competition or threat of such competition,

(3) the extension of GATT articles to conditions of trade not presently covered in order to move toward more fair trade practices,

(4) the adoption of international fair labor standards and of public petition and confrontation procedures in the GATT,

(5) the revision of GATT articles with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct rather than indirect taxes for revenue needs,

(6) the revision of the balance-of-payments provision in the GATT articles so as to recognize import surcharges as the preferred means by which industrial countries may handle balance-of-payments deficits insofar as import restraint measures are required.

(7) the improvement and strengthening of the provisions of GATT and other international agreements governing access to supplies of food, raw materials, and manufactured or semi-manufactured products, including rules and procedures governing the imposition of export controls, the denial of fair and equitable access to such supplies, and effective consultative procedures on problems of supply shortages,

(8) the extension of the provisions of GATT or other international agreements to authorize multilateral procedures by contracting parties with respect to member or nonmember countries which deny fair and equitable access to supplies of food, raw materials, and manufactured or semi-manufactured products, and thereby substantially injure the international community.

(9) any revisions necessary to establish procedures for regular consultation among countries and instrumentalities with respect to international trade and procedures to adjudicate commercial disputes among such countries or instrumentalities,

(10) any revisions necessary to apply the principles of reciprocity and nondiscrimination, including the elimination of special preferences and reverse preferences, to all aspects of international trade,

(11) any revisions necessary to define the forms of subsidy to industries producing products for export and the forms of subsidy to attract foreign

investment which are consistent with an open, nondiscriminatory, and fair system of international trade, and

(12) consistent with the provisions of section 2117 of this title, any revisions necessary to establish within the GATT an international agreements [1] on articles (including footwear), including the creation of regular and institutionalized mechanisms for the settlement of disputes, and of a surveillance body to monitor all international shipments in such articles.

(b) Agreements with foreign countries or instrumentalities.

The President shall, to the extent feasible, enter into agreements with foreign countries or instrumentalities to establish the principles described in subsection (a) of this section with respect to international trade between the United States and such countries or instrumentalities.

(c) Changes in Federal law through legislation implementing trade agreements.

If the President enters into a trade agreement which establishes rules or procedures, including those set forth in subsection (a) of this section, promoting the development of an open, nondiscriminatory, and fair world economic system and if the implementation of such agreement will change any provision of Federal law (including a material change in an administrative rule), such agreement shall take effect with respect to the United States only if the appropriate implementing legislation is enacted by the Congress unless implementation of such agreement is effected pursuant to authority delegated by Congress. Such trade agreement may be submitted to the Congress for approval in accordance with the procedures of section 2191 of this title. Nothing in this section shall be construed as prior approval of any legislation necessary to implement a trade agreement entered into under this section.

(d) Authorization of appropriations.

There are authorized to be appropriated annually such sums as may be necessary for the payment by the United States of its share of the expenses of the Contracting Parties to the General Agreement on Tariffs and Trade. This authorization does not imply approval or disapproval by the Congress of all articles of the General Agreement on Tariffs and Trade. (Pub. L. 93–618, title I, § 121, Jan. 3, 1975, 88 Stat. 1986.)

§ 2132. Balance-of-payments authority.

(a) Presidential proclamations of temporary import surcharges and temporary limitations on imports through quotas in situations of fundamental international payments problems.

Whenever fundamental international payments problems require special import measures to restrict imports—

(1) to deal with large and serious United States balance-of-payments deficits.

(2) to prevent an imminent and significant depreciation of the dollar in foreign exchange markets, or

(3) to cooperate with other countries in correcting an international balance-of-payments disequilibrium,

the President shall proclaim, for a period not exceeding 150 days (unless such period is extended by Act of Congress)—

(A) a temporary import surcharge, not to exceed 15 percent ad valorem, in the form of duties (in addition to those already imposed, if any) on articles imported into the United States;

(B) temporary limitations through the use of quotas on the importation of articles into the United States; or

(C) both a temporary import surcharge described in subparagraph (A) and temporary limitations described in subparagraph (B).

The authority delegated under subparagraph (B) (and so much of subparagraph (C) as relates to subparagraph (B)) may be exercised (i) only if international trade or monetary agreements to which the United States is a party permit the imposition of quotas as a balance-of-payments measure, and (ii) only to the extent that the fundamental imbalance cannot be dealt with effectively by a surcharge proclaimed pursuant to subparagraph (A) or (C). Any temporary import surcharge proclaimed pursuant to subparagraph (A) or (C) shall be treated as a regular customs duty.

(b) Import restrictions not imposed when contrary to national interest of United States.

If the President determines that the imposition of import restrictions under subsection (a) of this section will be contrary to the national interest of the United States, then he may refrain from proclaiming such restrictions and he shall—

(1) Immediately inform Congress of his determination, and

(2) immediately convene the group of congressional official advisers designated under section 2211(a) of this title and consult with them as to the reasons for such determination.

(c) Presidential proclamations liberalizing imports.

Whenever the President determines that fundamental international payments problems require special import measures to increase imports—

(1) to deal with large and persistent United States balance-of-trade surpluses, as determined on the basis of the cost-insurance-freight value of imports, as reported by the Bureau of the Census, or

(2) to prevent significant appreciation of the dollar in foreign exchange markets,

the President is authorized to proclaim, for a period of 150 days (unless such period is extended by Act of Congress)—

(A) a temporary reduction (of not more than 5 percent ad valorem) in the rate of duty on any article; and

(B) a temporary increase in the value or quantity of articles which may be imported under any import restriction, or a temporary suspension of any import restriction.

[1] So in original.

Import liberalizing actions proclaimed pursuant to this subsection shall be of broad and uniform application with respect to product coverage except that the President shall not proclaim measures under this subsection with respect to those articles where in his judgment such action will cause or contribute to material injury to firms or workers in any domestic industry, including agriculture, mining, fishing, or commerce, or to impairment of the national security, or will otherwise be contrary to the national interest.

(d) Nondiscriminatory treatment of import restricting actions.

(1) Import restricting actions proclaimed pursuant to subsection (a) of this section shall be applied consistently with the principle of nondiscriminatory treatment. In addition, any quota proclaimed pursuant to subparagraph (B) of subsection (a) of this section shall be applied on a basis which aims at a distribution of trade with the United States approaching as closely as possible that which various foreign countries might have expected to obtain in the absence of such restrictions.

(2) Notwithstanding paragraph (1), if the President determines that the purposes of this section will best be served by action against one or more countries having large or persistent balance-of-payments surpluses, he may exempt all other countries from such action.

(3) After such time when there enters into force for the United States new rules regarding the application of surcharges as part of a reform of internationally agreed balance-of-payments adjustment procedures, the exemption authority contained in paragraph (2) shall be applied consistently with such new international rules.

(4) It is the sense of Congress that the President seek modifications in international agreements aimed at allowing the use of surcharges in place of quantitative restrictions (and providing rules to govern the use of such surcharges) as a balance-of-payments adjustment measure within the context of arrangements for an equitable sharing of balance-of-payments adjustment responsibility among deficit and surplus countries.

(e) Broad and uniform application of import restricting actions.

Import restricting actions proclaimed pursuant to subsection (a) of this section shall be of broad and uniform application with respect to product coverage except where the President determines, consistently with the purposes of this section, that certain articles should not be subject to import restricting actions because of the needs of the United States economy. Such exceptions shall be limited to the unavailability of domestic supply at reasonable prices, the necessary importation of raw materials, avoiding serious dislocations in the supply of imported goods, and other similar factors. In addition, uniform exceptions may be made where import restricting actions will be unnecessary or ineffective in carrying out the purposes of this section, such as with respect to articles already subject to import restrictions, goods in transit, or goods under binding contract. Neither the authorization of import restricting actions nor the determination of exceptions with respect to product coverage shall be made for the purpose of protecting individual domestic industries from import competition.

(f) Quantitative limitations.

Any quantitative limitation proclaimed pursuant to subparagraph (B) or (C) of subsection (a) of this section on the quantity or value, or both, of an article—

(1) shall permit the importation of a quantity or value which is not less than the quantity or value of such article imported into the United States from the foreign countries to which such limitation applies during the most recent period which the President determines is representative of imports of such article, and

(2) shall take into account any increase since the end of such representative period in domestic consumption of such article and like or similar articles of domestic manufacture or production.

(g) Suspension, modification, or termination of proclamations.

The President may at any time, consistent with the provisions of this section, suspend, modify, or terminate, in whole or in part, any proclamation under this section either during the initial 150-day period of effectiveness or as extended by subsequent Act of Congress.

(h) Termination of tariff concessions.

No provision of law authorizing the termination of tariff concessions shall be used to impose a surcharge on imports into the United States. (Pub. L. 93–618, title I, § 122, Jan. 3, 1975, 88 Stat. 1987.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2137 of this title.

§ 2133. Compensation authority.

(a) New concessions.

Whenever any action has been taken under section 2253 of this title to increase or impose any duty or other import restriction, the President—

(1) may enter into trade agreements with foreign countries or instrumentalities for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and

(2) may proclaim such modification or continuance of any existing duty, or such continuance of existing duty-free or excise treatment, as he determines to be required or appropriate to carry out any such agreement.

(b) Reductions in rates of duty.

(1) No proclamation shall be made pursuant to subsection (a) of this section decreasing any rate of duty to a rate which is less than 70 percent of the existing rate of duty.

(2) Where the rate of duty in effect at any time is an intermediate stage under section 2119 of this title, the proclamation made pursuant to subsection (a) of this section may provide for the reduction of each rate of duty at each such stage proclaimed under section 2111 of this title by not more

than 30 percent of such rate of duty, and may provide for a final rate of duty which is not less than 70 percent of the rate of duty proclaimed as the final stage under section 2111 of this title.

(3) If the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed the limitations provided by paragraphs (1) and (2) of this subsection by not more than the lesser of—

(A) the difference between such limitation and the next lower whole number, or

(B) one-half of 1 percent ad valorem.

(4) Any concessions granted under subsection (a)(1) of this section shall be reduced and terminated according to substantially the same time schedule for reduction applicable to the relevant import relief under section 2253(h) of this title.

(c) Consideration of past violations of trade concessions.

Before entering into any trade agreement under this section with any foreign country or instrumentality, the President shall consider whether such country or instrumentality has violated trade concessions of benefit to the United States and such violation has not been adequately offset by the action of the United States or by such country or instrumentality.

(d) Basic authority for trade agreements as authority for granting new concessions as compensation.

Notwithstanding the provisions of subsection (a) of this section, the authority delegated under section 2111 of this title shall be used for the purpose of granting new concessions as compensation within the meaning of this section until such authority terminates. (Pub. L. 93–618, title I, § 123, Jan. 3, 1974, 88 Stat. 1989.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151 to 2154, 2212 of this title.

§ 2134. Two-year residual authority to negotiate duties.

(a) Trade agreements.

Whenever the President determines that any existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes of this chapter will be promoted thereby, the President—

(1) may enter into trade agreements with foreign countries or instrumentalities thereof, and

(2) may proclaim such modification or continuance of any existing duty, such continuance of existing duty-free or excise treatment, or such additional duties, as he determines to be required or appropriate to carry out any such trade agreement.

(b) Maximum volume of imported articles subject to reduction of duties or continuance of duty-free or excise treatment.

Agreements entered into under this section in any 1-year period shall not provide for the reduction of duties, or the continuance of duty-free or excise treatment, for articles which account for more than 2 percent of the value of United States imports for the most recent 12-month period for which import statistics are available.

(c) Maximum reduction in duties.

(1) No proclamation shall be made pursuant to subsection (a) of this section decreasing any rate of duty to a rate which is less than 80 percent of the existing rate of duty.

(2) No proclamation shall be made pursuant to subsection (a) of this section decreasing or increasing any rate of duty to a rate which is lower or higher than the corresponding rate which would have resulted if the maximum authority granted by section 2111 of this title with respect to such article had been exercised.

(3) Where the rate of duty in effect at any time is an intermediate stage under section 2119 of this title, the proclamation made pursuant to subsection (a) of this section may provide for the reduction of each rate of duty at each such stage proclaimed under section 2111 of this title by not more than 20 percent of such rate of duty, and, subject to the limitation in paragraph (2), may provide for a final rate of duty which is not less than 8 percent of the rate of duty proclaimed as the final stage under section 2111 of this title.

(4) If the President determines that such action will simplify the computation of the amount of duty imposed with respect to an article, he may exceed the limitations provided by paragraphs (1) and (2) of this subsection by not more than the lesser of—

(A) the difference between such limitation and the next lower whole number, or

(B) one-half of 1 percent ad valorem.

(d) Two-year period of authority.

Agreements may be entered into under this section only during the 2-year period which immediately follows the close of the period during which agreements may be entered into under section 2111 of this title. (Pub. L. 93–618, title I, § 124, Jan. 3, 1975, 88 Stat. 1990.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151 to 2154, 2212 of this title.

§ 2135. Termination and withdrawal authority.

(a) Grant of authority for termination or withdrawal at end of period specified in agreement.

Every trade agreement entered into under this chapter shall be subject to termination, in whole or in part, or withdrawal, upon due notice, at the end of a period specified in the agreement. Such period shall be not more than 3 years from the date on which the agreement becomes effective. If the agreement is not terminated or withdrawn from at the end of the period so specified, it shall be subject to termination or withdrawal thereafter upon not more than 6 months' notice.

(b) Authority to terminate proclamations at any time.

The President may at any time terminate, in whole or in part, any proclamation made under this chapter.

(c) Increased duties or other import restrictions following withdrawal, suspension, or modification of obligations with respect to trade of foreign countries or instrumentalities.

Whenever the United States, acting in pursuance of any of its rights or obligations under any trade agreement entered into pursuant to this chapter, section 1801 of this title, or section 1351 of this title, withdraws, suspends, or modifies any obligation with respect to the trade of any foreign country or instrumentality thereof, the President is authorized to proclaim increased duties or other import restrictions, to the extent, at such times, and for such periods as he deems necessary or appropriate, in order to exercise the rights or fulfill the obligations of the United States. No proclamation shall be made under this subsection increasing any existing duty to a rate more than 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States, as in effect on January 1, 1975, or 20 percent ad valorem above the rate existing on January 1, 1975, whichever is higher.

(d) Retaliatory authority.

Whenever any foreign country or instrumentality withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation therefor, the President, in pursuance of rights granted to the United States under any trade agreement and to the extent necessary to protect United States economic interests (including United States balance of payments), may—

(1) withdraw, suspend, or modify the application of substantially equivalent trade agreement obligations of benefit to such foreign country or instrumentality, and

(2) proclaim under subsection (c) of this section such increased duties or other import restrictions as are appropriate to effect adequate compensation from such foreign country or instrumentality.

(e) Continuation of duties or other import restrictions after termination of or withdrawal from agreements.

Duties or other import restrictions required or appropriate to carry out any trade agreement entered into pursuant to this chapter, section 1801 of this title, or section 1351 of this title shall not be affected by any termination, in whole or in part, of such agreement or by the withdrawal of the United States from such agreement and shall remain in effect after the date of such termination or withdrawal for 1 year, unless the President by proclamation provides that such rates shall be restored to the level at which they would be but for the agreement. Within 60 days after the date of any such termination or withdrawal, the President shall transmit to the Congress his recommendations as to the appropriate rates of duty for all articles which were affected by the termination or withdrawal or would have been so affected but for the preceding sentence.

(f) Public hearings.

Before taking any action pursuant to subsection (b), (c), or (d) of this section, the President shall provide for a public hearing during the course of which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard, unless he determines that such prior hearings will be contrary to the national interest because of the need for expeditious action, in which case he shall provide for a public hearing promptly after such action. (Pub. L. 93–618, title I, § 125, Jan. 3, 1975, 88 Stat. 1991.)

§ 2136. Reciprocal nondiscrimination treatment.

(a) Direct and indirect imports.

Except as otherwise provided in this chapter or in any other provision of law, any duty or other import restriction or duty-free treatment proclaimed in carrying out any trade agreement under this subchapter shall apply to products of all foreign countries, whether imported directly or indirectly.

(b) Presidential determination of whether major industrial countries have made substantially equivalent concessions to the United States.

The President shall determine, after the conclusion of all negotiations entered into under this chapter or at the end of the 5-year period beginning on January 3, 1975, whichever is earlier, whether any major industrial country has failed to make concessions under trade agreements entered into under this chapter which provide competitive opportunities for the commerce of the United States in such country substantially equivalent to the competitive opportunities, provided by concessions made by the United States under trade agreements entered into under this chapter, for the commerce of such country in the United States.

(c) Recommendations to Congress for legislation following a Presidential determination that a major industrial country has failed to grant equivalent concessions.

If the President determines under subsection (b) of this section that a major industrial country has not made concessions under trade agreements entered into under this chapter which provide substantially equivalent competitive opportunities for the commerce of the United States, he shall, either generally with respect to such country or by article produced by such country, in order to restore equivalence of competitive opportunities, recommend to the Congress—

(1) legislation providing for the termination or denial of the benefits of concessions of trade agreements entered into under this chapter made with respect to rates of duty or other import restrictions by the United States; and

(2) that any legislation necessary to carry out any trade agreement under section 2112 of this title shall not apply to such country.

(d) Major industrial countries.

For purposes of this section, "major industrial country" means Canada, the European Economic

Community, the individual member countries of such Community, Japan, and any other foreign country designated by the President for purposes of this subsection. (Pub. L. 93–618, title I, § 126, Jan. 3, 1975, 88 Stat. 1992.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2253 of this title.

§ 2137. Reservation of articles for national security or other reasons.

(a) No proclamation shall be made pursuant to the provisions of this chapter reducing or eliminating the duty or other import restriction on any article if the President determines that such reduction or elimination would threaten to impair the national security.

(b) While there is in effect with respect to any article any action taken under section 2253 of this title, or section 1862 or 1981 of this title, the President shall reserve such article from negotiations unders this subchapter (and from any action under section 2132(c) of this title) contemplating reduction or elimination of—

(A) any duty on such article,

(B) any import restriction imposed under such section, or

(C) any other import restriction, the removal of which will be likely to undermine the effect of the import restrictions referred to in subparagraph (B).

In addition, the President shall also so reserve any other article which he determines to be appropriate, taking into consideration information and advice available pursuant to and with respect to the matters covered by sections 2151, 2152, and 2153 of this title, where applicable. (Pub. L. 93–618, title I, § 127(a), (b), Jan. 3, 1975, 88 Stat. 1993.)

PART 3.—HEARINGS AND ADVICE CONCERNING NEGOTIATIONS.

§ 2151. Advice from International Trade Commission.

(a) Lists of articles which may be considered for modification or continuance of duties, duty-free or excise treatment, or additional duties.

In connection with any proposed trade agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall from time to time publish and furnish the International Trade Commission (hereafter in this section referred to as the "Commission") with lists of articles which may be considered for modification or continuance of United States duties, continuance of United States duty-free or excise treatment, or additional duties. In the case of any article with respect to which consideration may be given to reducing or increasing the rate of duty, the list shall specify the provision of this subchapter pursuant to which such consideration may be given.

(b) Advice to President following receipt of list by Commission.

Within 6 months after receipt of such a list or, in the case of a list submitted in connection with a trade agreement authorized under section 2133 of this title, within 90 days after receipt of such list, the Commission shall advise the President with respect to each article of its judgment as to the probable economic effect of modifications of duties on industries producing like or directly competitive articles and on consumers, so as to assist the President in making an informed judgment as to the impact which might be caused by such modifications on United States manufacturing, agriculture, mining, fishing, labor, and consumers. Such advice may include in the case of any article the advice of the Commission as to whether any reduction in the rate of duty should take place over a longer period than the minimum periods provided by section 2119(a) of this title.

(c) Additional investigations and reports requested by President.

In addition, in order to assist the President in his determination of whether to enter into any agreement under section 2112 of this title, the Commission shall make such investigations and reports as may be requested by the President, including, where feasible, advice as to the probable economic effects of modifications of any barrier to (or other distortion of) international trade on domestic industries and purchasers and on prices and quantities of articles in the United States.

(d) Commission steps in preparing its advice to the President.

In preparing its advice to the President under this section, the Commission shall, to the extent practicable—

(1) investigate conditions, causes, and effects relating to competition between the foreign industries producing the articles in question and the domestic industries producing the like or directly competitive articles;

(2) analyze the production, trade, and consumption of each like or directly competitive article, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production;

(3) describe the probable nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned which it believes such modifications would cause; and

(4) make special studies (including studies of real wages paid in foreign supplying countries), whenever deemed to be warranted, of particular proposed modifications affecting United States manufacturing, agriculture, mining, fishing, labor, and consumers, utilizing to the fullest extent practicable United States Government facilities abroad and appropriate personnel of the United States.

(e) Public hearings.

In preparing its advice to the President under this section, the Commission shall, after reasonable notice, hold public hearings. (Pub. L. 93–618, title I, § 131, Jan. 3, 1975, 88 Stat. 1994.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2137, 2153, 2154, 2212, 2463 of this title.

§ 2152. Advice from Executive Departments and other sources.

Before any trade agreement is entered into under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall seek information and advice with respect to such agreement from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State and the Treasury, from the Special Representative for Trade Negotiations, and from such other sources as he may deem appropriate. (Pub. L. 93–618, title I, § 132, Jan. 3, 1975, 88 Stat. 1995.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2137, 2463 of this title.

§ 2153. Public hearings.

(a) In connection with any proposed trade agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall afford an opportunity for any interested person to present his views concerning any article on a list published pursuant to section 2151 of this title, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement. For this purpose, the Persident shall designate an agency or an interagency committee which shall, after reasonable notice, hold public hearings and prescribe regulations governing the conduct of such hearings.

(b) The organization holding such hearings shall furnish the President with a summary thereof. (Pub. L. 93–618, title I, § 133, Jan. 3, 1975, 88 Stat. 1995.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2137, 2154, 2463 of this title.

§ 2154. Prerequisites for offers.

In any negotiations seeking an agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President may make an offer for the modification or continuance of any United States duty, import restrictions, or barriers to (or other distortions of) international trade, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, import restriction, or other barrier to (or other distortion of) international trade, with respect to any article only after he has received a summary of the hearings at which an opportunity to be heard with respect to such article has been afforded under section 2153 of this title. In addition, the President may make an offer for the modification or continuance of any United States duty, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, with respect to any article included in a list published and furnished under section 2151(a) of this title, only after he has received advice concerning such article from the International Trade Commission under section 2151(b) of this title, or after the expiration of the 6-month or 90-day period provided for in that section, as appropriate, whichever first occurs. (Pub. L. 93–618, title I, § 134, Jan. 3, 1975, 88 Stat. 1995.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2463 of this title.

§ 2155. Advice from private sector.

(a) Information and advice before entering into trade agreements.

The President, in accordance with the provisions of this section, shall seek information and advice from representative elements of the private sector with respect to negotiating objectives and bargaining positions before entering into a trade agreement referred to in section 2111 or 2112 of this title.

(b) Advisory Committee for Trade Negotiations.

(1) The President shall establish an Advisory Committee for Trade Negotiations to provide overall policy advice on any trade agreement referred to in section 2111 or 2112 of this title. The Committee shall be composed of not more than 45 individuals, and shall include representatives of government, labor, industry, agriculture, small business, service industries, retailers, consumer interests, and the general public.

(2) The Committee shall meet at the call of the Special Representative for Trade Negotiations, who shall be the Chairman. The Committee shall terminate upon submission of its report required under subsection (e)(2) of this section. Members of the Committee shall be appointed by the President for a period of 2 years and may be reappointed for one or more additional periods.

(3) The Special Representative for Trade Negotiations shall make available to the Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

(c) General policy advisory committees; sector advisory committees.

(1) The President may, on his own initiative or at the request of organizations representing industry, labor, or agriculture, establish general policy advisory committees for industry, labor, and agriculture, respectively, to provide general policy advice on any trade agreement referred to in section 2111 or 2112 of this title. Such committees shall, insofar as practicable, be representative of all industry, labor, or agricultural interests (including small business interests), respectively, and shall be organized by the President acting through the Special Representative for Trade Negotiations and the Secretaries of Commerce, Labor, and Agriculture, as appropriate.

(2) The President shall, on his own initiative or at the request of organizations in a particular sector, establish such industry, labor, or agricultural sector advisory committees as he determines to be necessary for any trade negotiations referred to in section 2111 or 2112 of this title. Such committees shall, so far as practicable, be representative of all

industry, labor, or agricultural interests including small business interests in the sector concerned. In organizing such committees the President, acting through the Special Representative for Trade Negotiations and the Secretary of Commerce, Labor, or Agriculture, as appropriate, (A) shall consult with interested private organizations, and (B) shall take into account such factors as patterns of actual and potential competition between United States industry and agriculture and foreign enterprise in international trade, the character of the nontariff barriers and other distortions affecting such competition, the necessity for reasonable limits on the number of such product sector advisory committees, the necessity that each committee be reasonably limited in size, and that the product lines covered by each committee be reasonably related.

(d) Policy and technical advice and information and other advice.

Committees established pursuant to subsection (c) of this section shall meet at the call of the Special Representative for Trade Negotiations, before and during any trade negotiations, to provide the following:

(1) policy advice on negotiations;

(2) technical advice and information on negotiations on particular products both domestic and foreign; and

(3) advice on other factors relevant to positions of the United States in trade negotiations.

(e) Meeting of advisory committees at conclusion of negotiations for trade agreements; reports; advisory opinions.

(1) The Advisory Committee for Trade Negotiations, each appropriate policy advisory committee, and each sector advisory committee, if the sector which such committee represents is affected, shall meet at the conclusion of negotiations for each trade agreement entered into under this chapter, to provide to the President, to Congress, and to the Special Representative for Trade Negotiations a report on such agreement. The report of the Advisory Committee for Trade Negotiations and each appropriate policy advisory committee shall include an advisory opinion as to whether and to what extent the agreement promotes the economic interests of the United States and the report of the appropriate sector committee shall include an advisory opinion as to whether the agreement provides for equity and reciprocity within the sector.

(2) The Advisory Committee for Trade Negotiations, each policy advisory committee, and each sector advisory committee shall issue a report to the Congress as soon as is practical after the end of the period which ends 5 years after January 3, 1975. The report of the Advisory Committee for Trade Negotiations and each policy advisory committee shall include an advisory opinion as to whether and to what extent trade agreements entered into under this chapter, taken as a whole, serve the economic interests of the United States. The report of each sector advisory committee shall include an advisory opinion on the degree of which trade agreements entered into under this chapter which affect the sector represented by each such committee, taken as a whole, provide for equity and reciprocity within that sector.

(f) Federal Advisory Committee Act.

The provisions of the Federal Advisory Committee Act shall apply—

(1) to the Advisory Committee for Trade Negotiations established pursuant to subsection (b) of this section; and

(2) to all other advisory committees which may be established pursuant to subsection (c) of this section; except that the meetings of advisory groups established under subsection (c) of this section shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or his designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions on the negotiation of any trade agreement.

(g) Trade secrets and confidential commercial, financial, or other information.

(1) (A) Trade secrets and commercial or financial information which is privileged or confidential, submitted in confidence by the private sector to officers or employees of the United States in connection with trade negotiations, shall not be disclosed to any person other than to—

(i) officers and employees of the United States designated by the Special Representative for Trade Negotiations, and

(ii) members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate who are accredited as official advisers under section 2211(a) of this title or are designated by the chairman of either such committee under section 2211(b)(2) of this title, and members of the staff of either such committee designated by the chairman under section 2211(b)(2) of this title,

for use in connection with negotiation of a trade agreement referred to in section 2111 or 2112 of this title.

(B) Information, other than that described in paragraph (A), and advice submitted in confidence by the private sector to officers or employees of the United States, to the Advisory Committee for Trade Negotiations or to any advisory committee established under subsection (c) of this section, in connection with trade negotiations, shall not be disclosed to any person other than—

(i) the individuals described in subparagraph (A), and

(ii) the appropriate advisory committees established under this section.

(2) Information submitted in confidence by officers or employees of the United States to the Advisory Committee for Trade Negotiations, or to any advisory commitee established under subsection (c) of this section, shall not be disclosed other than in accordance with rules issued by the Special Representative for Trade Negotiations and the Secretary

of Commerce, Labor or Agriculture, as appropriate, after consultation with the relevant advisory committees established under subsection (c) of this section. Such rules shall define the categories of information which require restricted or confidential handling by such committee considering the extent to which public disclosure of such information can reasonably be expected to prejudice United States negotiating objectives. Such rules shall, to the maximum extent feasible, permit meaningful consultations by advisory committee members with persons affected by proposed trade agreements.

(h) Staff, information, personnel, and administrative services and assistance to advisory committees.

The Special Representative for Trade Negotiations, and the Secretary of Commerce, Labor, or Agriculture, as appropriate, shall provide such staff, information, personnel, and administrative services and assistance to advisory committees established pursuant to subsection (c) of this section as such committees may reasonably require to carry out their activities.

(i) Consultation with advisory committees; adoption of procedures; nonacceptance of committee advice or recommendations.

It shall be the responsibility of the Special Representative for Trade Negotiations, in conjunction with the Secretary of Commerce, Labor, or Agriculture, as appropriate, to adopt procedures for consultation with and obtaining information and advice from the advisory committees established pursuant to subsection (c) of this section on a continuing and timely basis, both during preparation for negotiations and actual negotiations. Such consultation shall include the provision of information to each advisory committee as to (1) significant issues and developments arising in preparation for or in the course of such negotiations, and (2) overall negotiating objectives and positions of the United States and other parties to the negotiations. The Special Representative for Trade Negotiations shall not be bound by the advice or recommendations of such advisory committees but the Special Representative for Trade Negotiations shall inform the advisory committees of failures to accept such advice or recommendations, and the President shall include in his statement to the Congress, required by section 2213 of this title, a report by the Special Representative for Trade Negotiations on consultation with such committees, issues involved in such consultation, and the reasons for not accepting advice or recommendations.

(j) Private organizations or groups.

In addition to any advisory committee established pursuant to this section, the President shall provide adequate, timely and continuing opportunity for the submission on an informal and, if such information is submitted under the provisions of subsection (g) of this section, confidential basis by private organizations or groups, representing labor, industry, agriculture, small business, service industries, consumer interests, and others, of statistics, data, and other trade information, as well as policy recommendations, pertinent to the negotiation of any trade agreement referred to in section 2111 or 2112 of this title.

(k) Direct participation in trade negotiations by private individuals not authorized.

Nothing contained in this section shall be construed to authorize or permit any individual to participate directly in any negotiation of any trade agreement referred to in section 2111 or 2112 of this title. (Pub. L. 93–618, title I, § 135, Jan. 3, 1975, 88 Stat. 1996.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2114 of this title.

PART 4.—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

§ 2171. Structure, functions, powers, and personnel.

(a) Establishment within Executive Office of the President.

There is established within the Executive Office of the President the Office of the Special Representative for Trade Negotiations (hereinafter in this section referred to as the "Office").

(b) Special Representative for Trade Negotiations; Deputy Special Representatives for Trade Negotiations.

(1) The Office shall be headed by the Special Representative for Trade Negotiations who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of the Special Representative for Trade Negotiations submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance. The Special Representative for Trade Negotiations shall hold office at the pleasure of the President, shall be entitled to receive the same allowances as a chief of mission, and shall have the rank of Ambassador Extraordinary and Plenipotentiary.

(2) There shall be in the Office two Deputy Special Representatives for Trade Negotiations who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy Special Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy Special Representative for Trade Negotiations shall hold office at the pleasure of the President and shall have the rank of Ambassador.

(c) Duties of Special Representatives and Deputy Special Representatives for Trade Negotiations.

(1) The Special Representative for Trade Negotiations shall—

(A) be the chief representative of the United States for each trade negotiation under this subchapter or section 2411 of this title;

(B) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agree-

ments programs under this chapter, the Trade Expansion Act of 1962, and section 1351 of this title;

(C) advise the President and Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs;

(D) be responsible for making reports to Congress with respect to the matter set forth in subparagraphs (A) and (B);

(E) be chairman of the interagency trade organization established pursuant to section 1872(a) of this title; and

(F) be responsible for such other functions as the President may direct.

(2) Each Deputy Special Representative for Trade Negotiations shall have as his principal function the conduct of trade negotiations under this chapter and shall have such other functions as the Special Representative for Trade Negotiations may direct.

(d) Powers of Special Representatives for Trade Negotiations.

The Special Representative for Trade Negotiations may, for the purpose of carrying out his functions under this section—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary and prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of Title 5 and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of Title 5 and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of Title 5 for persons in Government service employed intermittently;

(3) promulgate such rules and regulations as may be necessary to carry out the functions vested in him;

(4) utilize, with their consent, the services, personnel, and facilities of other Federal agencies;

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Special Representative for Trade Negotiations may deem appropriate, with any agency or instrumentality of the United States, or with any public or private person, firm, association, corporation, or institution;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of Title 31; and

(7) adopt an official seal, which shall be judicially noticed.

(e) Use of other Federal agencies.

The Special Representative for Trade Negotiations shall, to the extent he deems it necessary for the proper administration and execution of the trade agreements programs of the United States, draw upon the resources of, and consult with, Federal agencies in connection with the performance of his functions.

(f) Authorization of appropriations.

There are authorized to be appropriated to the Office of Special Representative for Trade Negotiations such amounts as may be necessary for the purpose of carrying out its functions for fiscal year 1976 and each fiscal year thereafter any part of which is within the 5-year period beginning on January 3, 1975.

(g) Abolition of Office as established by Executive Order; transfer of assets, liabilities, contracts, property, records, and unexpended balance and funds.

(1) The Office of Special Representative for Trade Negotiations established under Executive Order No. 11075 of January 15, 1963, as amended, is abolished.

(2) The assets, liabilities, contracts, property, and records and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such Office are transferred to the Office of Special Representative for Trade Negotiations established under subsection (a) of this section.

(h) Transfer of personnel.

(1) Any individual who holds the position of Special Representative for Trade Negotiations or a position as Deputy Special Representative for Trade Negotiations on January 2, 1975, and who has been appointed by and with the advice and consent of the Senate may continue to hold such position without regard to the first sentence of paragraph (1) of subsection (b) of this section, or the first sentence of paragraph (2) of subsection (b) of this section, as the case may be.

(2) All personnel who on January 2, 1975, are employed by the Office of the Special Representative for Trade Negotiations established by Executive Order No. 11075 of January 15, 1963, as amended, are hereby transferred to the Office. (Pub. L. 93–618, title I, § 141 (a), (b) (1), (2), (c)–(h), Jan. 3, 1975, 88 Stat. 1999–2001.)

REFERENCES IN TEXT

The Trade Expansion Act of 1962, referred to in subsec. (c)(1)(B), was classified principally to chapter 7 (§ 1801 et seq.) of this title, and was substantially repealed by the Trade Act of 1974 [this chapter].

The civil service laws, referred to in subsec. (d)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

The classification laws, referred to in subsec. (d)(1), are set forth in chapter 51 and subchapter III of chapter 53 of Title 5.

(c)(2), is classified to section 1801 et seq. of this title.

Executive Order No. 11075 of January 15, 1963, as amended, referred to in subsecs. (g)(1) and (h)(2), is set out as a note under section 1801 of this title.

PART 5.—CONGRESSIONAL PROCEDURES WITH RESPECT TO PRESIDENTIAL ACTIONS

§ 2191. Bills implementing trade agreements on nontariff barriers and resolutions approving commercial agreements with communist countries.

(a) Rules of House of Representatives and Senate.

This section and sections 2192 and 2193 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, re-

spectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in subsection (b)(1) of this section, implementing revenue bills described in subsection (b)(2) of this section, approval resolutions described in subsection (b)(3) of this section, and resolutions described in sections 2192(a) and 2193(a) of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) Definitions.

For purposes of this section—

(1) The term "implementing bill" means only a bill of either House of Congress which is introduced as provided in subsection (c) of this section with respect to one or more trade agreements submitted to the House of Representatives and the Senate under section 2112 of this title and which contains—

(A) a provision approving such trade agreement or agreements,

(B) a provision approving the statement of administrative action (if any) proposed to implement such trade agreement or agreements and

(C) if changes in existing laws or new statutory authority is required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(2) The term "implementing revenue bill" means an implementing bill which contains one or more revenue measures by reason of which it must originate in the House of Representatives.

(3) The term "approval resolution" means only a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of nondiscriminatory treatment with respect to the products of ———— transmitted by the President to the Congress on ————.", the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.

(c) Introduction and referral.

(1) On the day on which a trade agreement is submitted to the House of Representatives and the Senate under section 2112 of this title, the implementing bill submitted by the President with respect to such trade agreement shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a trade agreement is submitted, the implementing bill shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. Such bills shall be referred by the Presiding Officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of two or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(2) On the day on which a bilateral commercial agreement, entered into under subchapter IV of this chapter after January 3, 1975, is transmitted to the House of Representatives and the Senate, an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The approval resolution introduced in the House shall be referred to the Committee on Ways and Means and the approval resolution introduced in the Senate shall be referred to the Committee on Finance.

(d) Amendments prohibited.

No amendment to an implementing bill or approval resolution shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) Period for committee and floor consideration.

(1) Except as provided in paragraph (2), if the committee or committees of either House to which an implementing bill or approval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the bill or resolution and it shall be placed on the appropriate calendar. A vote on final passage of the bill or resolution shall be taken in each House on or before the close of the 15th day after the bill or resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the bill or resolution. If prior to the passage by one House of an implementing bill or approval resolution of that

House, that House receives the same implementing bill or approval resolution from the other House, then—

(A) the procedure in that House shall be the same as if no implementing bill or approval resolution had been received from the other House, but

(B) the vote on final passage shall be on the implementing bill or approval resolution of the other House.

(2) The provisions of paragraph (1) shall not apply in the Senate to an implementing revenue bill. An implementing revenue bill received from the House shall be referred to the appropriate committee or committees of the Senate. If such committee or committees have not reported such bill at the close of the 15th day after its receipt by the Senate (or, if later, before the close of the 45th day after the corresponding implementing revenue bill was introduced in the Senate), such committee or committees shall be automatically discharged from further consideration of such bill and it shall be placed on the calendar. A vote on final passage of such bill shall be taken in the Senate on or before the close of the 15th day after such bill is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such bill.

(3) For purposes of paragraphs (1) and (2), in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(f) Floor consideration in the house.

(1) A motion in the House of Representatives to proceed to the consideration of an implementing bill or approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit an implementing bill or approval resolution or to move to reconsider the vote by which an implementing bill or approval resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill or approval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill or approval resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of an implementing bill or approval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) Floor consideration in the Senate.

(1) A motion in the Senate to proceed to the consideration of an implementing bill or approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on an implementing bill or approval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with an implementing bill or approval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of an implementing bill or approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate is not debatable. A motion to recommit an implementing bill or approval resolution is not in order.

(Pub. L. 93–618, title I, § 151, Jan. 3, 1975, 88 Stat. 2001.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2112, 2131, 2435, 2437 of this title.

§ 2192. Resolutions disapproving certain actions.

(a) Contents of resolutions.

(1) For purposes of this section, the term "resolution" means only—

(A) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve ——— transmitted to the Congress on ———.", the first blank space being filled in accordance with paragraph (2) and the second blank space being filled with the appropriate date; and

(B) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the ——— does not not approve ——— transmitted to the Congress on ———.", with the first blank space being filled with the name of the resolving House, the second blank space being filled in accordance with paragraph (3), and the third blank space being filled with the appropriate date.

(2) The first blank space referred to in paragraph (1)(A) shall be filled as follows:

(A) in the case of a resolution referred to in section 2253(c) of this title, with the phrase "the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974"; and

(B) in the case of a resolution referred to in section 2412(b) of this title, with the phrase "the action taken by the President under section 301 of the Trade Act of 1974".

(3) The second blank space referred to in paragraph (1)(B) shall be filled as follows:

(A) in the case of a resolution referred to in section 1303(e) of this title, with the phrase "the determination of the Secretary of the Treasury under section 303(d) of the Tariff Act of 1930";

(B) in the case of a resolution referred to in section 2437(c)(2) of this title, with the phrase "the extension of nondiscriminatory treatment with respect to the products of ———" (with this blank space being filled with the name of the country involved); and

(C) in the case of a resolution referred to in section 2437(c)(3) of this title, with the phrase "the report of the President submitted under section ——— of the Trade Act of 1974 with respect to ———" (with the first blank space being filled with "402(b)" or "409(b)", as appropriate, and the second blank space being filled with the name of the country involved).

(b) Reference to Committees.

All resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all resolutions introduced in the Senate shall be referred to the Committee on Finance.

(c) Discharge of Committees.

(1) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, not counting any day which is excluded under section 2193(b) of this title, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a resolution with respect to the same matter.

(2) A motion to discharge under paragraph (1) may be made only by an individual favoring the resolution, and is highly privileged in the House and privileged in the Senate; and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(d) Floor consideration in the House.

(1) A motion in the House of Representatives to proceed to the consideration of a resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the House of Representatives on a resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a resolution in the House of Representatives shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

(e) Floor consideration in the Senate.

(1) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection wtih a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(f) Special rule for concurrent resolutions.

In the case of a resolution described in subsection (a)(1) of this section, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(2) the vote on final passage shall be on the resolution of the other House.

(Pub. L. 93–618, title I, § 152, Jan. 3, 1975, 88 Stat. 2004.)

REFERENCES IN TEXT

Section 203 of the Trade Act of 1974, referred to in subsec. (a)(2)(A), is classified to section 2253 of this title.

Section 301 of the Trade Act of 1974, referred to in subsec. (a)(2)(B), is classified to section 2411 of this title.

Section 303(d) of the Tariff Act of 1930, referred to in subsec. (a)(3)(A), is classified to section 1303(d) of this title.

Sections 402(b) and 409(b) of the Trade Act of 1974, referred to in subsec. (a)(3)(C), are classified, respectively, to sections 2432(b) and 2439(b) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1303, 2191, 2193, 2412, 2435, 2437 of this title.

§ 2193. Resolutions relating to extension of waiver authority under section 402 of the Trade Act of 1974.

(a) Contents of resolutions.

For purposes of this section, the term "resolution" means only—

(1) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the extension of the authority contained in section 402(c)(1) of the Trade Act of 1974 recommended by the President to the Congress on ————, except with respect to ————.", with the first blank space being filled with the appropriate date and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the except clause being omitted if there is no such country; and

(2) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the ———— does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ———— with respect to ————.", with the first blank space being filled with the name of the resolving House, the second blank space being filled with the appropriate date, and the third blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the with-respect-to clause being omitted if the extension of the authority is not approved with respect to any country.

(b) Application of rules of section 2192 of this section.

(1) Except as provided in this section, the provisions of section 2192 of this title shall apply to resolutions described in subsection (a) of this section.

(2) In applying section 2192(c)(1) of this title, all calendar days shall be counted, and, in the case of a resolution related to section 2432(d)(4) of this title, 20 calendar days shall be substituted for 30 days.

(3) That part of section 2192(d)(2) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting an except clause, in the case of a resolution described in subsection (a)(1) of this section, or a with-respect-to clause, in the case of a resolution described in subsection (a)(2) of this section. Debate in the House of Representatives on any amendment to a resolution shall be limited to not more than 1 hour which shall be equally divided between those favoring and those opposing the amendment. A motion in the House to further limit debate on an amendment to a resolution is not debatable.

(4) That part of section 2192(e)(4) of this title which provides that no amendment is in order shall not apply to any amendment to a resolution which is limited to striking out or inserting the names of one or more countries or to striking out or inserting an except clause, in the case of a resolution described in subsection (a)(1) of this section, or a with-respect-to clause, in the case of a resolution described in subsection (a)(2) of this section. The time limit on a debate on a resolution in the Senate under section 2192(e)(2) of this title shall include all amendments to a resolution. Debate in the Senate on any amendment to a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and minority leader may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any amendment. A motion in the Senate to further limit debate on an amendment to a resolution is not debatable.

(c) Consideration of second resolution not in order.

It shall not be in order in either the House of Representatives or the Senate to consider a resolution with respect to a recommendation of the President under section 2432(d) of this title (other than a resolution described in subsection (a)(1) of this section received from the other House), if that House has adopted a resolution with respect to the same recommendation. (Pub. L. 93–618, title I, § 153, Jan. 3, 1975, 88 Stat. 2006.)

REFERENCES IN TEXT

Section 402 of the Trade Act of 1974, referred to in catchline and text, is classified to section 2432 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2191, 2192, 2432 of this title.

§ 2194. Special rules relating to Congressional procedures.

(a) Whenever, pursuant to section 2112(e), 2253(b), 2412(a), 2432(d), or 2437 (a) or (b), or section 1303(e) of this title, a document is required to be transmitted to the Congress, copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

(b) For purposes of sections 2253(c), 2412(b), 2437(c)(2), and 2437(c)(3) of this title, the 90-day period referred to in such sections shall be computed by excluding—

(1) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

(Pub. L. 93–618, title I, § 154, Jan. 3, 1975, 88 Stat. 2008.)

PART 6.—CONGRESSIONAL LIAISON AND REPORTS

§ 2211. Congressional delegates to negotiations.

(a) At the beginning of each regular session of Congress, the Speaker of the House of Representatives, upon the recommendation of the chairman of the Committee on Ways and Means, shall select five members (not more than three of whom are members of the same political party) of such committee, and the President pro tempore of the Senate, upon the recommendation of the chairman of the Committee on Finance, shall select five members (not more than three of whom are members of the same political party) of such committee, who shall be accredited by the President as official advisers to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements.

(b)(1) The Special Representative for Trade Negotiation shall keep each official adviser currently informed on United States negotiating objectives, the status of negotiations in progress, and the nature of any changes in domestic law or the administration thereof which may be recommended to Congress to carry out any trade agreement.

(2) The chairmen of the Committee on Ways and Means and the Committee on Finance may designate members (in addition to the official advisors under subsection (a) of this section) and staff members of their respective committees who shall have access to the information provided to official advisers under paragraph (1). (Pub. L. 93–618, title I, § 161, Jan. 3, 1975, 88 Stat. 2008.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2132, 2155 of this title.

§ 2212. Transmission of agreements to Congress.

(a) As soon as practicable after a trade agreement entered into under part 1 of this subchapter or section 2133 or 2134 of this title has entered into force with respect to the United States, the President shall, if he has not previously done so, transmit a copy of such trade agreement to each House of the Congress together with a statement, in the light of the advice of the International Trade Commission under section 2151(b) of this title, if any, and of other relevant considerations, of his reasons for entering into the agreement.

(b) The President shall transmit to each Member of the Congress a summary of the information required to be transmitted to each House under subsection (a) of this section. For purposes of this subsection, the term "Member" includes any Delegate or Resident Commissioner. (Pub. L. 93–618, title I, § 162, Jan. 3, 1975, 88 Stat. 2008.)

§ 2213. Reports.

(a) The President shall submit to the Congress an annual report on the trade agreements program and on import relief and adjustment assistance for workers, firms, and communities under this chapter. Such report shall include information regarding new negotiations; changes made in duties and nontariff barriers and other distortions of trade of the United States; reciprocal concessions obtained; changes in trade agreements (including the incorporation therein of actions taken for import relief and compensation provided therefor); extension or withdrawal of nondiscriminatory treatment by the United States with respect to the products of a foreign country; extension, modification, withdrawal, suspension, or limitation of preferential treatment to exports of developing countries; the results of action taken to obtain removal of foreign trade restrictions (including discriminatory restrictions) against United States exports and the removal of foreign practices which discriminate against United States service industries (including transportation and tourism) and investment; and the measures being taken to seek the removal of other significant foreign import restrictions; and other information relating to the trade agreements program and to the agreements entered into thereunder. Such report shall also include information regarding the number of applications filed for adjustment assistance for workers, firms, and communities, the number of such applications which were approved, and the extent to which adjustment assistance has been provided under such approved applications.

(b) The International Trade Commission shall submit to the Congress, at least once a year, a factual report on the operation of the trade agreements program. (Pub. L. 93–618, title I, § 163, Jan. 3, 1975, 88 Stat. 2009.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2155 of this title.

PART 7.—UNITED STATES INTERNATIONAL TRADE COMMISSION

§ 2231. Change of name from United States Tariff Commission.

(a) The United States Tariff Commission (established by section 1330 of this title) is renamed as the United States International Trade Commission.

(b) Any reference in any law of the United States, or in any order, rule, regulation, or other document, to the United States Tariff Commission (or the Tariff Commission) shall be considered to refer to the United States International Trade Commission. (Pub. L. 93–618, title I, § 171, Jan. 3, 1975, 88 Stat. 2009.)

§ 2232. Independent budget and authorizations of appropriations.

Effective with respect to the fiscal year beginning October 1, 1976, for purposes of the Budget and Accounting Act, 1921, estimated expenditures and proposed appropriations for the United States International Trade Commission shall be transmitted to the President on or before October 15 of the year preceding the beginning of each fiscal year and shall be included by him in the Budget without revision, and the Commission shall not be considered to be a department or establishment for purposes of such Act. (Pub. L. 93–618, title I, § 175(a)(1), Jan. 3, 1975, 88 Stat. 2011.)

REFERENCES IN TEXT

The Budget and Accounting Act, 1921, is act June 10, 1921, ch. 18, 42 Stat. 20, which is classified to section 1 et seq. of Title 31, Money and Finance.

SUBCHAPTER II.—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION

PART 1.—IMPORT RELIEF

§ 2251. Investigation by International Trade Commission.

(a) Petitions for eligibility for import relief.

(1) A petition for eligibility for import relief for purpose of facilitating orderly adjustment to import competition may be filed with the International Trade Commission (hereinafter in this part referred to as the "Commission") by an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry. The petition shall include a statement describing the specific purposes for which import relief is being sought, which may include such objectives as facilitating the orderly transfer of resources to alternative uses and other means of adjustment to new conditions of competition.

(2) Whenever a petition is filed under this subsection, the Commission shall transmit a copy thereof to the Special Representative for Trade Negotiations and the agencies directly concerned.

(b) Requests to Commission by President, Special Representative, or Congressional Committees for investigation; nature and scope of Commission's investigation.

(1) Upon the request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon its own motion, or upon the filing of a petition under subsection (a)(1) of this section, the Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

(2) In making its determinations under paragraph (1), the Commission shall take into account all economic factors which it considers relevant, including (but not limited to)—

(A) with respect to serious injury, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry;

(B) with respect to threat of serious injury, a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry concerned; and

(C) with respect to substantial cause, an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers.

(3) For purposes of paragraph (1), in determining the domestic industry producing an article like or directly competitive with an imported article, the Commission—

(A) may, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production,

(B) may, in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article, and

(C) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a major geographic area of the United States and whose production facilities in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

(4) For purposes of this section, the term "substantial cause" means a cause which is important and not less than any other cause.

(5) In the course of any proceeding under this subsection, the Commission shall, for the purpose of assisting the President in making his determinations under sections 2252 and 2253 of this title, investigate and report on efforts made by firms and workers in the industry to compete more effectively with imports.

(6) In the course of any proceeding under this subsection, the Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 1303 or 1337 of this title,

or other remedial provisions of law, the Commission shall promptly notify the appropriate agency so that such action may be taken as is otherwise authorized by such provisions of law.

(c) Public hearings.

In the course of any proceeding under subsection (b) of this section, the Commission shall, after reasonable notice, hold public hearings and shall afford interested parties an opportunity to be present, to present evidence, and to be heard at such hearings.

(d) Report.

(1) The Commission shall report to the President its findings under subsection (b) of this section, and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds with respect to any article, as a result of its investigation, the serious injury or threat thereof described in subsection (b) of this section, it shall—

(A) find the amount of the increase in, or imposition of, any duty or import restriction on such article which is necessary to prevent or remedy such injury, or

(B) if it determines that adjustment assistance under parts 2, 3, and 4 of this subchapter can effectively remedy such injury, recommend the provision of such assistance,

and shall include such findings or recommendation in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which were submitted in connection with each investigation.

(2) The report of the Commission of its determination under subsection (b) of this section shall be made at the earliest practicable time, but not later than 6 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Commission shall also promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(e) Previous investigations of same subject matter.

Except for good cause determined by the Commission to exist, no investigation for the purposes of this section shall be made with respect to the same subject matter as a previous investigation under this section, unless 1 year has elapsed since the Commission made its report to the President of the results of such previous investigation.

(f) Retroactive effect.

(1) Any investigation by the Commission under section 1901(b) of this title (as in effect before January 3, 1975) which is in progress immediately before such date shall be continued under this section in the same manner as if the investigation had been instituted originally under the provisions of this section. For purposes of subsection (d)(2) of this section, the petition for any investigation to which the preceding sentence applies shall be treated as having been filed, or the request or resolution as having been received or the motion having been adopted, as the case may be, on January 3, 1975.

(2) If, on January 3, 1975, the President has not taken any action with respect to any report of the Commission containing an affirmative determination resulting from an investigation under section 1901(b) of this title (as in effect before January 3, 1975), such report shall be treated by the President as a report received by him under this section on January 3, 1975. (Pub. L. 93–618, title II, § 201, Jan. 3, 1975, 88 Stat. 2011.)

REFERENCES IN TEXT

The Antidumping Act, 1921, referred to in subsec. (b)(6), is classified to section 160 et seq. of this title.

Section 1901 of this title, referred to in subsec. (f), was repealed by Pub. L. 93–618, and is now covered by this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1872, 2252, 2253, 2274, 2354, 2436 of this title.

§ 2252. Presidential action after investigations.

(a) Import relief; expeditious consideration to petitions for adjustment assistance.

After receiving a report from the Commission containing an affirmative finding under section 2251(b) of this title that increased imports have been a substantial cause of serious injury or the threat thereof with respect to an industry, the President—

(1)(A) shall provide import relief for such industry pursuant to section 2253 of this title, unless he determines that provision of such relief is not in the national economic interest of the United States, and

(B) shall evaluate the extent to which adjustment assistance has been made available (or can be made available) under parts 2, 3, and 4 of this subchapter to the workers and firms in such industry and to the communities in which such workers and firms are located, and, after such evaluation, may direct the Secretary of Labor and the Secretary of Commerce that expeditious consideration be given to the petitions for adjustment assistance; or

(2) if the Commission, under section 2251(d) of this title, recommends the provision of adjustment assistance, shall direct the Secretaries of Labor and Commerce as described in paragraph (1)(B).

(b) Determination of Presidential action; publication of Presidential determination.

Within 60 days (30 days in the case of a supplemental report under subsection (d) of this section) after receiving a report from the Commission containing an affirmative finding under section 2251(b) of this title (or a finding under section 2251(b) of this title which he considers to be an affirmative finding, by reason of section 1330(d) of this title, within such 60-day (or 30-day) period), the President shall—

(1) determine what method and amount of import relief he will provide, or determine that the provision of such relief is not in the national economic interest of the United States, and whether

he will direct expeditious consideration of adjustment assistance petitions, and publish in the Federal Register that he has made such determinations; or

(2) if such report recommends the provision of adjustment assistance, publish in the Federal Register his order to the Secretary of Labor and Secretary of Commerce for expeditious consideration of petitions.

(c) Consideration to be taken into account in determining import relief.

In determining whether to provide import relief and what method and amount of import relief he will provide pursuant to section 2253 of this title, the President shall take into account, in addition to such other considerations as he may deem relevant—

(1) information and advice from the Secretary of Labor on the extent to which workers in the industry have applied for, are receiving, or are likely to receive adjustment assistance under part 2 of this subchapter or benefits from other manpower programs;

(2) information and advice from the Secretary of Commerce on the extent to which firms in the industry have applied for, are receiving, or are likely to receive adjustment assistance under parts 3 and 4 of this subchapter;

(3) the probable effectiveness of import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relative to the position of the industry in the Nation's economy;

(4) the effect of import relief on consumers (including the price and availability of the imported article and the like or directly competitive article produced in the United States) and on competition in the domestic markets for such articles;

(5) the effect of import relief on the international economic interests of the United States;

(6) the impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(7) the geographic concentration of imported products marketed in the United States;

(8) the extent to which the United States market is the focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(9) the economic and social costs which would be incurred by taxpayers, communities, and workers, if import relief were or were not provided.

(d) Presidential request for additional information; supplemental report.

The President may, within 15 days after the date on which he receives an affirmative finding of the Commission under section 2251(b) of this title with respect to an industry, request additional information from the Commission. The Commission shall, as soon as practicable but in no event more than 30 days after the date on which it receives the President's request, furnish additional information with respect to such industry in a supplemental report. (Pub. L. 93–618, title II, § 202, Jan. 3, 1975, 88 Stat. 2014.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1872, 2251, 2253, 2436 of this title.

§ 2253. Import relief.

(a) Imposition of or increase in duties; tariff-rate quotas; quantitative restrictions on imports; orderly marketing agreements.

If the President determines to provide import relief under section 2252(a)(1) of this title, he shall, to the extent that and for such time (not to exceed 5 years) as he determines necessary taking into account the considerations specified in section 2252(c) of this title to prevent or remedy serious injury or the threat thereof to the industry in question and to facilitate the orderly adjustment to new competitive conditions by the industry in question—

(1) proclaim an increase in, or imposition of, any duty on the article causing or threatening to cause serious injury to such industry;

(2) proclaim a tariff-rate quota on such article;

(3) proclaim a modification of, or imposition of, any quantitative restriction on the import into the United States of such article;

(4) negotiate orderly marketing agreements with foreign countries limiting the export from foreign countries and the import into the United States of such articles; or

(5) take any combination of such actions.

(b) Transmittal to Congress of document setting forth Presidential action.

(1) On the day on which the President proclaims import relief under this section or announces his intention to negotiate one or more orderly marketing agreements, the President shall transmit to Congress a document setting forth the action he is taking under this section. If the action taken by the President differs from the action recommended to him by the Commission under section 2251(b)(1)(A) of this title, he shall state the reason for such difference.

(2) On the day on which the President determines that the provision of import relief is not in the national economic interest of the United States, the President shall transmit to Congress a document setting forth such determination and the reasons why, in terms of the national economic interest, he is not providing import relief and also what other steps he is taking, beyond adjustment assistance programs immediately available to help the industry to overcome serious injury and the workers to find productive employment.

(c) Congressional action.

(1) If the President reports under subsection (b) of this section that he is taking action which differs from the action recommended by the Commission under section 2251(b)(1)(A) of this title, or that he will not provide import relief, the action recommended by the Commission shall take effect (as provided in paragraph (2)) upon the adoption by both Houses of Congress (within the 90-day period following the date on which the document referred to in subsection (b) of this section is transmitted to the Congress), by an affirmative vote of a majority

of the Members of each House present and voting, of a concurrent resolution disapproving the action taken by the President or his determination not to provide import relief under section 2252(a)(1)(A) of this title.

(2) If the contingency set forth in paragraph (1) occurs, the President shall (within 30 days after the adoption of such resolution) proclaim the increase in, or imposition of, any duty or other import restriction on the article which was recommended by the Commission under section 2251(b) of this title.

(d) Maximum relief.

(1) No proclamation pursuant to subsection (a) or (c) of this section shall be made increasing a rate of duty to (or imposing) a rate which is more than 50 percent ad valorem above the rate (if any) existing at the time of the proclamation.

(2) Any quantitative restriction proclaimed pursuant to subsection (a) or (c) of this section and any orderly marketing agreement negotiated pursuant to subsection (a) of this section shall permit the importation of a quantity or value of the article which is not less than the quantity or value of such article imported into the United States during the most recent period which the President determines is representative of imports of such article.

(e) Effective date of relief.

(1) Import relief under this section shall be proclaimed and take effect within 15 days after the import relief determination date unless the President announces on such date his intention to negotiate one or more orderly marketing agreements under subsection (a)(4) or (5) of this section in which case import relief shall be proclaimed and take effect within 90 days after the import relief determination date.

(2) If the President provides import relief under subsection (a)(1), (2), (3), or (5) of this section, he may, after such relief takes effect, negotiate orderly marketing agreements with foreign countries, and may, after such agreements take effect, suspend or terminate, in whole or in part, such import relief.

(3) If the President negotiates an orderly marketing agreement under subsection (a)(4) or (5) of this section and such agreement does not continue to be effective, he may, consistent with the limitations contained in subsection (h) of this section, provide import relief under subsection (a)(1), (2), (3), or (5) of this section.

(4) For purposes of this subsection, the term "import relief determination date" means the date of the President's determination under section 2252(b) of this title.

(f) Items advanced or improved abroad.

(1) For purposes of subsections (a) and (c) of this section, the suspension of item 806.30 or 807.00 of the Tariff Schedules of the United States with respect to an article shall be treated as an increase in duty.

(2) For purposes of subsections (a) and (c) of this section, the suspension of the designation of any article as an eligible article for purposes of subchapter V of this chapter shall be treated as an increase in duty.

(3) No proclamation providing for a suspension referred to in paragraph (1) with respect to any article shall be made under subsection (a) or (c) of this section unless the Commission, in addition to making an affirmative determination with respect to such article under section 2251(b) of this title, determines in the course of its investigation under section 2251(b) of this title that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the application of item 806.30 or item 807.00.

(4) No proclamation which provides solely for a suspension referred to in paragraph (2) with respect to any article shall be made under subsection (a) or (c) of this section unless the Commission, in addition to making an affirmative determination with respect to such article under section 2251(b) of this title, determines in the course of its investigation under section 2251(b) of this title that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the designation of the article as an eligible article for the purposes of subchapter V of this chapter.

(g) Rules and regulations.

(1) The President shall by regulations provide for the efficient and fair administration of any quantitative restriction proclaimed pursuant to subsection (a)(3) or (c) of this section.

(2) In order to carry out an agreement concluded under subsection (a)(4), (a)(5), or (e)(2) of this section, the President is authorized to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by such agreement. In addition, in order to carry out any agreement concluded under subsection (a)(4), (a)(5), or (e)(2) of this section with one or more countries accounting for a major part of United States imports of the article covered by such agreements, including imports into a major geographic area of the United States, the President is authorized to issue regulations governing the entry or withdrawal from warehouse of like articles which are the product of countries not parties to such agreement.

(3) Regulations prescribed under this subsection shall, to the extent practicable and consistent with efficient and fair administration, insure against inequitable sharing of imports by a relatively small number of the larger importers.

(h) Termination of relief.

(1) Any import relief provided pursuant to this section shall, unless renewed pursuant to paragraph (3), terminate no later than the close of the day which is 5 years after the day on which import relief with respect to the article in question first took effect pursuant to this section.

(2) To the extent feasible, any import relief provided pursuant to this section for a period of more than 3 years shall be phased down during the period of such relief, with the first reduction of relief taking effect no later than the close of the day which

is 3 years after the day on which such relief first took effect.

(3) Any import relief provided pursuant to this section or section 1981 or 1982 of this title may be extended by the President, at a level of relief no greater than the level in effect immediately before such extension, for one 3-year period if the President determines, after taking into account the advice received from the Commission under subsection (i)(2) of this section and after taking into account the considerations described in section 2252(c) of this title, that such extension is in the national interest.

(4) Any import relief provided pursuant to this section may be reduced or terminated by the President when he determines, after taking into account the advice received from the Commission under subsection (i)(2) of this section and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest.

(5) For purposes of this subsection and subsection (i) of this section, the import relief provided in the case of an orderly marketing agreement shall be the level of relief contemplated by such agreement.

(i) Commission review of industry developments; advice to the President.

(1) So long as any import relief provided pursuant to this section or section 1981 or 1982 of this title remains in effect, the Commission shall keep under review developments with respect to the industry concerned (including the progress and specific efforts made by the firms in the industry concerned to adjust to import competition) and upon request of the President shall make reports to the President concerning such developments.

(2) Upon request of the President or upon its own motion, the Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of the import relief provided pursuant to this section.

(3) Upon petition on behalf of the industry concerned, filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any import relief provided pursuant to this section or section 1981 or 1982 of this title is to terminate by reason of the expiration of the initial period therefor, the Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination.

(4) In advising the President under paragraph (2) or (3) as to the probable economic effect on the industry concerned, the Commission shall take into account all economic factors which it considers relevant, including the considerations set forth in section 2252(c) of this title and the progress and specific efforts made by the industry concerned to adjust to import competition.

(5) Advice by the Commission under paragraph (2) or (3) shall be given on the basis of an investigation during the course of which the Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.

(j) Two-year delay in investigations following earlier import relief.

No investigation for the purposes of section 2251 of this title shall be made with respect to an article which has received import relief under this section unless 2 years have elapsed since the last day on which import relief was provided with respect to such article pursuant to this section.

(k) Direct or indirect importation; geographic concentration of domestic production.

(1) Actions by the President pursuant to this section may be taken without regard to the provisions of section 2136(a) of this title but only after consideration of the relation of such actions to the international obligations of the United States.

(2) If the Commission treats as the domestic industry production located in a major geographic area of the United States under section 2251(b)(3)(C) of this title, then the President shall take into account the geographic concentration of domestic production and of imports in that area in providing import relief, if any, which may include actions authorized under paragraph (1). (Pub. L. 93–618, title II, § 203, Jan. 3, 1975, 88 Stat. 2015.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (f)(1), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1872, 1981, 2133, 2137, 2192, 2194, 2251, 2252, 2436, 2463 of this title.

PART 2.—ADJUSTMENT ASSISTANCE FOR WORKERS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2251, 2252, 2318, 2391 of this title.

Subpart A.—Petitions and Determinations

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 2291, 2295 to 2298 of this title.

§ 2271. Petitions.

(a) A petition for a certification of eligibility to apply for adjustment assistance under this part may be filed with the Secretary of Labor (hereinafter in this part referred to as the "Secretary") by a group of workers or by their certified or recognized union or other duly authorized representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) of this section a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard. (Pub. L. 93–618, title II, § 221, Jan. 3, 1975, 88 Stat. 2019.)

EFFECTIVE AND TERMINATION DATE

Section 284 of Pub. L. 93–618 provided that: "Chapters 2, 3, and 4 of this title [parts 2, 3, and 4 of this subchapter] shall become effective on the 90th day following

the date of enactment of this Act [Jan. 3, 1975] and shall terminate on September 30, 1982."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2273, 2318 of this title.

§ 2272. Group eligibility requirements.

The Secretary shall certify a group of workers as eligible to apply for adjustment assistance under this part if he determines—

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. (Pub. L. 93–618, title II, § 222, Jan. 3, 1975, 88 Stat. 2019.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2273 of this title.

§ 2273. Determinations by Secretary of Labor.

(a) Certification of eligibility.

As soon as possible after the date on which a petition is filed under section 2271 of this title, but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 2272 of this title and shall issue a certification of eligibility to apply for assistance under this part covering workers in any group which meets such requirements. Each certification shall specify the date on which the total or partial separation began or threatened to begin.

(b) Workers covered by certification.

A certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm before his application under section 2291 of this title occurred—

(1) more than one year before the date of the petition on which such certification was granted, or

(2) more than 6 months before the effective date of this part.

(c) Publication of determination in Federal Register.

Upon reaching his determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register together with his reasons for making such determination.

(d) Termination of certification.

Whenever the Secretary determines, with respect to any certification of eligibility of the workers of a firm or subdivision of the firm, the total or partial separations from such firm or subdivision are no longer attributable to the conditions specified in section 2272 of this title, he shall terminate such certification and promptly have notice of such termination published in the Federal Register together with his reasons for making such determination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the Secretary. (Pub. L. 93–618, title II, § 223, Jan. 3, 1975, 88 Stat. 2019.)

REFERENCES IN TEXT

For the effective date of this part, referred to in text, see Effective and Termination Date note hereunder.

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2291, 2318, 2322 of this title.

§ 2274. Study by Secretary of Labor when International Commission begins investigation.

(a) Subject matter of study.

Whenever the International Trade Commission (hereafter referred to in this chapter as the "Commission") begins an investigation under section 2251 of this title with respect to an industry, the Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of—

(1) the number of workers in the domestic industry producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance, and

(2) the extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

(b) Report; publication.

The report of the Secretary of the study under subsection (a) of this section shall be made to the President not later than 15 days after the day on which the Commission makes its report under section 2251 of this title. Upon making his report to the President, the Secretary shall also promptly make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

(c) Information to workers.

Whenever the Commission makes an affirmative finding under section 2251(b) of this title that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Secretary shall make available, to the extent feasible, full information to the workers in such industry about programs which may facilitate the adjustment to import competition of such workers, and he shall provide assistance in the preparation

and processing of petitions and applications of such workers for program benefits. (Pub. L. 93–618, title II, § 224, Jan. 3, 1975, 88 Stat. 2020.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

Subpart B.—Program Benefits

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 2312 of this title.

§ 2291. Trade readjustment allowances; qualifying requirements for workers.

Payment of a trade readjustment allowance shall be made to an adversely affected worker covered by a certification under subpart A of this part who files an application for such allowance for any week of unemployment which begins after the date specified in such certification pursuant to section 2273(a) of this title, if the following conditions are met:

(1) Such worker's last total or partial separation before his application under this part, occurred—

(A) on or after the date, as specified in the certification under which he is covered, on which total or partial separation began or threatened to begin in the adversely affected employment, and

(B) before the expiration of the 2-year period beginning on the date on which the determination under section 2273 of this title was made, and

(C) before the termination date (if any) determined pursuant to section 2273(d) of this title; and

(2) Such worker had, in the 52 weeks immediately preceding such total or partial separation, at least 26 weeks of employment at wages of $30 or more a week in adversely affected employment with a single firm or subdivision of a firm, or, if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary.

(Pub. L. 93–618, title II, § 231, Jan. 3, 1975, 88 Stat. 2020.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2273, 2318 of this title.

§ 2292. Same; weekly amounts.

(a) Percentages.

Subject to the other provisions of this section, the trade readjustment allowance payable to an adversely affected worker for a week of unemployment shall be—

(1) 70 percent of his average weekly wage (but not in excess of the average weekly manufacturing wage), reduced by

(2) 50 percent of the amount of the remuneration for services performed during such week.

(b) Adversely affected workers who are undergoing training.

Any adversely affected worker who is entitled to trade readjustment allowances and who is undergoing training approved by the Secretary, including on-the-job training, shall receive for each week in which he is undergoing any such training, a trade readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) of this section or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such trade readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) Unemployment insurance.

The amount of trade readjustment allowance payable to an adversely affected worker under subsection (a) of this section for any week shall be reduced by any amount of unemployment insurance which he receives, or which he would receive if he applied for such insurance, with respect to such week; but, if the appropriate State or Federal agency finally determines that the worker was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

(d) Deduction from total number of weeks of allowance entitlement.

If unemployment insurance, or a training allowance under any Federal law, is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to subsection (c) or (e) of this section or to any disqualification under section 2296(c) of this title) to a trade readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of trade readjustment allowance otherwise payable to him under section 2293(a) of this title when he applies for a trade readjustment allowance and is determined to be entitled to such allowance. If the unemployment insurance or the training allowance paid to such worker for any week of unemployment is less than the amount of the trade readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a trade readjustment allowance and is determined to be entitled to such allowance, a trade readjustment allowance for such week equal to such difference.

(e) Maximum total for all remuneration and allowances.

Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as a training allowance referred to in subsection (d) of this section, and as a trade readjustment allowance exceeds 80 percent of his average weekly wage (or, if lesser, 130 percent of the average weekly manufacturing wage), then his trade readjustment allowance for such week shall be reduced by the amount of such excess.

(f) Rounding authority.

The amount of any weekly payment to be made under this section which is not a whole dollar amount shall be rounded upward to the next higher whole dollar amount. (Pub. L. 93–618, title II, § 232, Jan. 3, 1975, 88 Stat. 2021.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2298 of this title.

§ 2293. Same; time limitations on trade readjustment allowances.

(a) Payment of trade readjustment allowances shall not be made to an adversely affected worker for more than 52 weeks, except that, in accordance with regulations prescribed by the Secretary—

(1) such payments may be made for not more than 26 additional weeks to an adversely affected worker to assist him to complete training approved by the Secretary, or

(2) such payments shall be made for not more than 26 additional weeks to an adversely affected worker who had reached his 60th birthday on or before the date of total or partial separation.

In no case may an adversely affected worker be paid trade readjustment allowances for more than 78 weeks.

(b)(1) Except for a payment made for an additional week under subsection (a)(1) or (a)(2) of this section, a trade readjustment allowance may not be paid for a week of unemployment beginning more than 2 years after the beginning of the appropriate week.

(2) A trade readjustment allowance may not be paid for an additional week specified in subsection (a)(1) of this section if the adversely affected worker who would receive such allowance did not make a bona fide application to a training program approved by the Secretary within 180 days after the end of the appropriate week or the date of his first certification of eligibility to apply for adjustment assistance issued by the Secretary, whichever is later.

(3) A trade readjustment allowance may not be paid for an additional week specified in subsection (a) of this section if such additional week begins more than 3 years after the beginning of the appropriate week.

(4) For the purposes of this subsection, the appropriate week—

(A) for a totally separated worker is the week of his most recent total separation, and

(B) for a partially separated worker is the first week for which he receives a trade readjustment allowance following his most recent partial separation.

(Pub. L. 93–618, title II, § 233, Jan. 3, 1975, 88 Stat. 2022.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2292 of this title.

§ 2294. Same; application of State laws.

Except where inconsistent with the provisions of this part and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law—

(1) under which an adversely affected worker is entitled to unemployment insurance (whether or not he has filed a claim for such insurance), or

(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated,

shall apply to any such worker who files a claim for trade readjustment allowances. The State law so determined with respect to a separation of a worker shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such worker becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance). (Pub. L. 93–618, title II, § 234, Jan. 3, 1975, 88 Stat. 2022.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2295. Employment services.

The Secretary shall make every reasonable effort to secure for adversely affected workers covered by a certification under subpart A of this part counseling, testing, and placement services, and supportive and other services, provided for under any other Federal law. The Secretary shall, whenever appropriate, procure such services through agreements with cooperating State agencies. (Pub. L. 93–618, title II, § 235, Jan. 3, 1975, 88 Stat. 2023.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2296. Training.

(a) Approval of training.

If the Secretary determines that there is no suitable employment available for an adversely affected worker covered by a certification under subpart A of this part, but that suitable employment (which may include technical and professional employment) would be available if the worker received appropriate training, he may approve such training. Insofar as possible, the Secretary shall provide or assure the provision of such training on the job.

(b) Supplemental assistance.

The Secretary may, where appropriate, authorize supplemental assistance necessary to defray transportation and subsistence expenses for separate maintenance when training is provided in facilities which are not within commuting distance of a worker's regular place of residence. The Secretary shall not authorize payments for subsistence exceeding $15 per day; nor shall he authorize payments

for transportation expenses exceeding 12 cents per mile.

(c) Refusal to accept or continue training; failure to make satisfactory progress.

Any adversely affected worker who, without good cause, refuses to accept or continue, or fails to make satisfactory progress in, suitable training to which he has been referred by the Secretary shall not thereafter be entitled to payments under this part until he enters or resumes the training to which he has been so referred. (Pub. L. 93–618, title II, § 236, Jan. 3, 1975, 88 Stat. 2023.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2292, 2317 of this title.

§ 2297. Job search allowances.

(a) Any adversely affected worker covered by a certification under subpart A of this part who has been totally separated may file an application with the Secretary for a job search allowance. Such allowance, if granted, shall provide reimbursement to the worker of 80 percent of the cost of his necessary job search expenses as prescribed by regulations of the Secretary; except that such reimbursement may not exceed $500 for any worker.

(b) A job search allowance may be granted only—

(1) to assist an adversely affected worker in securing a job within the United States;

(2) where the Secretary determines that such worker cannot reasonably be expected to secure suitable employment in the commuting area in which he resides; and

(3) where the worker has filed an application for such allowance with the Secretary no later than 1 year after the date of his last total separation before his application under this part or (in the case of a worker who has been referred to training by the Secretary) within a reasonable period of time after the conclusion of such training period.

(Pub. L. 93–618, title II, § 237, Jan. 3, 1975, 88 Stat. 2023.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2298. Relocation allowances.

(a) Filing of application.

Any adversely affected worker covered by a certification under subpart A of this part who has been totally separated may file an application with the Secretary for a relocation allowance, subject to the terms and conditions of this section.

(b) Suitable employment in area of relocation; bona fide offer of employment.

A relocation allowance may be granted only to assist an adversely affected worker in relocating within the United States and only if the Secretary determines that such worker cannot reasonaby be expected to secure suitable employment in the commuting area in which he resides and that such worker—

(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

(2) has obtained a bona fide offer of such employment.

(c) Conditions under which allowance may not be granted.

A relocation allowance shall not be granted to such worker unless—

(1) for the week in which the application for such allowance is filed, he is entitled to a trade readjustment allowance (determined without regard to section 2292(c) and (e) of this title) or would be so entitled (determined without regard to whether he filed application therefor) but for the fact that he has obtained the employment referred to in subsection (b)(1) of this section, and

(2) such relocation occurs within a reasonable period after the filing of such application or (in the case of a worker who has been referred to training by the Secretary) within a reasonable period after the conclusion of such training.

Under regulations prescribed by the Secretary, a relocation allowance shall not be granted to more than one member of the family with respect to the same relocation.

(d) Definition.

For the purposes of this section, the term "relocation allowance" means—

(1) 80 percent of the reasonable and necessary expenses, as specified in regulations prescribed by the Secretary, incurred in transporting a worker and his family, if any, and household effects, and

(2) a lump sum equivalent to three times the worker's average weekly wage, up to a maximum payment of $500.

(Pub. L. 93–618, title II, § 238, Jan. 3, 1975, 88 Stat. 2024.)

EFFECTIVE AND TERMINATION DATE

This part to become effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

Subpart C.—General provisions

§ 2311. Agreements with States.

(a) Authority of Secretary to enter into agreements.

The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency (referred to in this subpart as "cooperating States" and "cooperating States agencies" respectively). Under such an agreement, the cooperating State agency (1) as agent of the United States, will receive applications for, and will provide, payments on the basis provided in this part, (2) where appropriate, will afford adversely affected workers who apply for payments under this part testing, counseling, referral to training, and placement services, and (3) will otherwise cooperate with the Secretary and with other State and Federal agencies in providing payments and services under this part.

(b) Amendment, suspension, and termination of agreements.

Each agreement under this subpart shall provide the terms and conditions upon which the agreement may be amended, suspended, or terminated.

(c) Unemployment insurance.

Each agreement under this subpart shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be denied or reduced for any week by reason of any right to payments under this part.

(d) Review.

A determination by a cooperating State agency with respect to entitlement to program benefits under an agreement is subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent. (Pub. L. 93–618, title II, § 239(a)–(d), Jan. 3, 1975, 88 Stat. 2024, 2025.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2312, 2316 of this title; title 26 section 3302.

§ 2312. Administration absent State agreement.

(a) In any State where there is no agreement in force between a State or its agency under section 2311 of this title, the Secretary shall arrange under regulations prescribed by him for performance of all necessary functions under subpart B of this part, including provision for a fair hearing for any worker whose application for payments is denied.

(b) A final determination under subsection (a) of this section with respect to entitlement to program benefits under subpart B of this part is subject to review by the courts in the same manner and to the same extent as is provided by section 405(g) of title 42. (Pub. L. 93–618, title II, § 240, Jan. 3, 1975, 88 Stat. 2025.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2313. Payments to States.

(a) Certification to Secretary of the Treasury for payment to cooperating States.

The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each cooperating State the sums necessary to enable such State as agent of the United States to make payments provided for by this part. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State from the Adjustment Assistant Trust Fund established in section 2317 of this title in accordance with such certification.

(b) Utilization or return of money.

All money paid a State under this section shall be used solely for the purposes for which it is paid; and money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this subpart, to the Secretary of the Treasury and credited to Adjustment Assistance Trust Fund.

(c) Surety bonds.

Any agreement under this subpart may require any officer or employee of the State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this part. (Pub. L. 93–618, title II, § 241, Jan. 3, 1975, 88 Stat. 2025.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2314. Liabilities of certifying and disbursing officers.

(a) No person designated by the Secretary, or designated pursuant to an agreement under this subpart, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment certified by him under this part.

(b) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this part if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a) of this section. (Pub. L. 93–618, title II, § 242, Jan. 3, 1975, 88 Stat. 2026.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2315. Recovery of overpayments.

(a) If a cooperating State agency or the Secretary, or a court of competent jurisdiction finds that any person—

(1) has made or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) as a result of such action has received any payment under this part to which he was not entitled,

such person shall be liable to repay such amount to the State agency or the Secretary as the case may be, or either may recover such amount by deductions from any sums payable to such person under this part. Any such finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing.

(b) Any amount repaid to a State agency under this section shall be deposited into the fund from which payment was made. Any amount repaid to the Secretary under this section shall be returned to the Secretary of the Treasury and credited to the Adjustment Assistance Trust Fund. (Pub. L. 93–618, title II, § 243, Jan. 3, 1975, 88 Stat. 2026.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2316. Penalties.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this part or pursuant to an agreement under section 2311 of this title shall be fined not more than $1,000 or imprisoned for not more than one year, or both. (Pub. L. 93–618, title II, § 244, Jan. 3, 1975, 88 Stat. 2026.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2317. Adjustment Assistance Trust Fund.

(a) There is hereby established on the books of the Treasury of the United States a trust fund to be known as the "Adjustment Assistance Trust Fund" (referred to in this section as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be deposited in it pursuant to the authorization contained in subsection (b) of this section. Amounts in the Trust Fund may be used only to carry out the provisions of this part (including administrative costs). The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

(b)(1) There are hereby authorized to be appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collections of customs duties not otherwise appropriated, for each fiscal year ending after January 3, 1975, such sums as may be necessary to carry out the provisions of this part (including administrative costs).

(2) There are authorized to be appropriated to the Trust Fund, for purposes of training (including administrative costs) under section 2296 of this title such sums as may be necessary. (Pub. L. 93–618, title II, § 245, Jan. 3, 1975, 88 Stat. 2026.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2313 of this title.

§ 2318. Transitional provisions.

(a) Where a group of workers has been certified as eligible to apply for adjustment assistance under section 1902(b)(2) or (c) of this title, any worker who has not had an application for trade readjustment allowances under section 1941 of this title denied before the effective date of this part may apply under section 2291 of this title as if the group certification under which he claims coverage had been made under subpart A of this part.

(b) In any case where a group of workers or their certified or recognized union or other duly authorized representative has filed a petition under section 1901(a)(2) of this title, more than 4 months before the effective date of this part and

(1) the Commission has not rejected such petition before the effective date of this part, and

(2) the President or his delegate has not issued a certification under section 1902(c) of this title to the petitioning group before the effective date of this part,

such group or representative thereof may file a new petition under section 2271 of this title, not later than 90 days after the effective date of this part. For purposes of section 2273(b)(1) of this title, the date on which such group or representative filed the petition under the Trade Expansion Act of 1962 shall apply. Section 2273(b)(2) of this title shall not apply to workers covered by a certification issued pursuant to a petition meeting the requirements of this subsection.

(c) A group of workers may file a petition under section 2271 of this title covering weeks of unemployment (as defined in the Trade Expansion Act of 1962) beginning before the effective date of this part, or covering such weeks and also weeks of unemployment beginning on or after the effective date of this part.

(d) Any worker receiving payments pursuant to this section shall be entitled—

(1) for weeks of unemployment (as defined in the Trade Expansion Act of 1962) beginning before the effective date of this part, to the rights and privileges provided in chapter 3 of title III of such Act, and

(2) for weeks of unemployment beginning on or after the effective date of this part, to the rights and privileges provided in this part, except that the total number of weeks of unemployment, as defined in the Trade Expansion Act of 1962, for which trade readjustment allowances were payable under that Act shall be deducted from the total number of weeks of unemployment for which an adversely affected worker is eligible for trade readjustment allowances under this part.

(e) The Commission shall make available to the Secretary on request data it has acquired in investigations under section 1901 of this title concluded within the 2-year period ending on the effective date of this part which did not result in Presidential action under section 1902(a)(3) or 1902(c) of this title. (Pub. L. 93–618, title II, § 246, Jan. 3, 1975, 88 Stat. 2027.)

REFERENCES IN TEXT

Sections 1901, 1902, and 1941 of this title, referred to in text, were repealed by section 602 of Pub. L. 93–618. See section 2271 et seq. of this title for successor provisions.

For the effective date of this part, referred to in text, see Effective and Termination Date note hereunder.

The Trade Expansion Act of 1962, referred to in text, was classified principally to chapter 7 (§ 1801 et seq.) of this title, and was substantially repealed by the Trade Act of 1974 [this chapter].

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2319. Definitions.

For purposes of this part—

(1) The term "adversely affected employment" means employment in a firm or appropriate subdivision of a firm, if workers of such firm or subdivision are eligible to apply for adjustment assistance under this part.

(2) The term "adversely affected worker" means an individual who, because of lack of work in adversely affected employment—

(A) has been totally or partially separated from such employment, or

(B) has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(3) The term "average weekly manufacturing wage" means the national gross average weekly earnings of production workers in manufacturing industries for the latest calendar year (as officially published annually by the Bureau of Labor Statistics of the Department of Labor) most recently published before the period for which the assistance under this part is furnished.

(4) The term "average weekly wage" means one-thirteenth of the total wages paid to an individual in the high quarter. For purposes of this computation, the high quarter shall be that quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. Such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

(5) The term "average weekly hours" means the average hours worked by the individual (excluding overtime) in the employment from which he has been or claims to have been separated in the 52 weeks (excluding weeks during which the individual was sick or on vacation) preceding the week specified in the last sentence of paragraph (4).

(6) The term "partial separation" means, with respect to an individual who has not been totally separated, that he has had—

(A) his hours of work reduced to 80 percent or less of his average weekly hours in adversely affected employment, and

(B) his wages reduced to 80 percent or less of his average weekly wage in such adversely affected employment.

(7) The term "remuneration" means wages and net earnings derived from services performed as a self-employed individual.

(8) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico; and the term "United States" when used in the geographical sense includes such Commonwealth.

(9) The term "State agency" means the agency of the State which administers the State law.

(10) The term "State law" means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of Title 26.

(11) The term "total separation" means the layoff or severance of an individual from employment with a firm in which, or in a subdivision of which, adversely affected employment exists.

(12) The term "unemployment insurance" means the unemployment insurance payable to an individual under any State law or Federal unemployment insurance law, including chapter 85 of Title 5 and the Railroad Unemployment Insurance Act.

(13) The term "week" means a week as defined in the applicable State law.

(14) The term "week of unemployment" means with respect to an individual any week for which his remuneration for services performed during such week is less than 80 percent of his average weekly wage and in which, because of lack of work—

(A) if he has been totally separated, he worked less than the full-time week (excluding overtime) in his current occupation, or

(B) if he has been partially separated, he worked 80 percent or less of his average weekly hours.

(Pub. L. 93–618, title II, § 247, Jan. 3, 1975, 88 Stat. 2028.)

REFERENCES IN TEXT

The Railroad Unemployment Insurance Act referred to in par. (12), is classified to section 351 et seq. of Title 45, Railroads.

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2320. Regulations.

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part. (Pub. L. 93–618, title II, § 248, Jan. 3, 1975, 88 Stat. 2029.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2321. Subpena power.

(a) The Secretary may require by subpena the attendance of witnesses and the production of evidence necessary for him to make a determination under the provisions of this part.

(b) If a person refuses to obey a subpena issued under subsection (a) of this section, a United States district court within the jurisdiction of which the relevant proceeding under this part is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpena. (Pub. L. 93–618, title II, § 249, Jan. 3, 1975, 88 Stat. 2029.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2322. Judicial review.

(a) A worker, group of workers, certified or recognized union, or an authorized representative of

such worker or group, aggrieved by a final determination by the Secretary under the provisions of section 2273 of this title may, within 60 days after notice of such determination, file a petition for review of such determination with the United States court of appeals for the circuit in which such worker or group is located or in the United States Court of Appeals for the District of Columbia Circuit. The clerk of such court shall send a copy of such petition to the Secretary. Upon receiving such petition, the Secretary shall promptly certify and file in such court the record on which he based such determination.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28. (Pub. L. 93–618, title II, § 250, Jan. 3, 1975, 88 Stat. 2029.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

PART 3.—ADJUSTMENT ASSISTANCE FOR FIRMS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2251, 2252, 2391 of this title.

§ 2341. Petitions and determinations.

(a) Filing of petition; receipt of petition; initiation of investigation.

A petition for a certification of eligibility to apply for adjustment assistance under this part may be filed with the Secretary of Commerce (hereinafter in this part referred to as the "Secretary") by a firm or its representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) Public hearing.

If the petitioner, or any other person, organization, or group found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary's publication under subsection (a) of this section a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(c) Certification.

The Secretary shall certify a firm as eligible to apply for adjustment assistance under this part if he determines—

(1) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(d) Allowable period for determination.

A determination shall be made by the Secretary as soon as possible after the date on which the petition is filed under this section, but in any event not later than 60 days after that date. (Pub. L. 93–618, title II, § 251, Jan. 3, 1975, 88 Stat. 2030.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2342, 2343, 2346, 2353 of this title.

§ 2342. Approval of adjustment proposals.

(a) Application for adjustment assistance.

A firm certified under section 2341 of this title as eligible to apply for adjustment assistance may, at any time within 2 years after the date of such certification, file an application with the Secretary for adjustment assistance under this part. Such application shall include a proposal for the economic adjustment of such firm.

(b) Technical and financial assistance.

(1) Adjustment assistance under this part consists of technical assistance and financial assistance, which may be furnished singly or in combination. The Secretary shall approve a firm's application for adjustment assistance only if he determines—

(A) that the firm has no reasonable access to financing through the private capital market, and

(B) that the firm's adjustment proposal—

(i) is reasonably calculated materially to contribute to the economic adjustment of the firm.

(ii) gives adequate consideration to the interests of the workers of such firm, and

(iii) demonstrates that the firm will make all reasonable efforts to use its own resources for economic development.

(2) The Secretary shall make a determination as soon as possible after the date on which an application is filed under this section, but in no event later than 60 days after such date.

(c) Preparation of viable adjustment proposal.

In order to assist a firm which has been certified as eligible to apply for adjustment assistance under this part in preparing a viable adjustment proposal, the Secretary may furnish technical assistance to such firm.

(d) Termination of certification of eligibility.

Whenever the Secretary determines that any firm no longer requires assistance under this part, he shall terminate the certification of eligibility of such firm and promptly have notice of such termination published in the Federal Register. Such termination shall take effect on the termination date specified by the Secretary. (Pub. L. 93–618, title II, § 252, Jan. 3, 1975, 88 Stat. 2030.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2346 of this title.

§ 2343. Technical assistance.

(a) Assistance in developing and implementing proposals for economic adjustment.

The technical assistance furnished under this part shall consist of—

(1) assistance to the firm in developing a proposal for its economic adjustment,

(2) assistance in the implementation of such a proposal, or

(3) both.

(b) Discretion of Secretary.

The Secretary may provide to a firm certified under section 2341 of this title, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will carry out the purposes of this part with respect to such firm.

(c) Utilization of existing agencies and private individuals, firms, and institutions in furnishing technical assistance.

The Secretary shall furnish technical assistance under this part through existing agencies and through private individuals, firms, and institutions. In the case of assistance furnished through private individuals, firms, and institutions (including private consulting services), the Secretary may share the cost thereof (but not more than 75 percent of such cost may be borne by the United States). (Pub. L. 93–618, title II, § 253, Jan. 3, 1975, 88 Stat. 2031.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2350 of this title.

§ 2344. Financial assistance.

(a) Direct loans and guarantees of loans.

The Secretary may provide to a firm, on such terms and conditions as he determines to be appropriate, such financial assistance in the form of direct loans or guarantees of loans as in his judgment will materially contribute to the economic adjustment of the firm. The assumption of an outstanding indebtedness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Allowable purposes.

Loans or guarantees of loans shall be made under this part only for the purpose of making funds available to the firm—

(1) for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, or

(2) to supply such working capital as may be necessary to enable the firm to implement its adjustment proposal.

(c) Availability of loan funds from private sources.

To the extent that loan funds can be obtained from private sources (with or without a guarantee) at the rate provided in the first sentence of section 2345(b) of this title, no direct loan shall be provided to a firm under this part. (Pub. L. 93–618, title II, § 254, Jan. 3, 1975, 88 Stat. 2031.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2347, 2350 of this title.

§ 2345. Conditions for financial assistance.

(a) Unavailability of firm's resources; reasonable assurance of repayment.

No financial assistance shall be provided under this part unless the Secretary determines—

(1) that the funds required are not available from the firm's own resources; and

(2) that there is reasonable assurance of repayment of the loan.

(b) Interest rates.

The rate of interest on loans which are guaranteed under this part shall be no higher than the maximum interest per annum that a participating financial institution may establish on guaranteed loans made pursuant to section 636(a) of Title 15. The rate of interest on direct loans made under this part shall be (i) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity that are comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 percent, plus (ii) an amount adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.

(c) Maturity of loans.

The Secretary shall make no loan or guarantee of a loan having a maturity in excess of 25 years, including renewals and extensions. Such limitation on maturities shall not, however, apply—

(1) to securities or obligations received by the Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor, or

(2) to an extension or renewal for an additional period not exceeding 10 years, if the Secretary

determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

(d) Priority for small firms.

In making guarantees of loans, and in making direct loans, the Secretary shall give priority to firms which are small within the meaning of the Small Business Act (and regulations promulgated thereunder).

(e) Percentage maximum on loan guarantees.

No loan shall be guaranteed by the Secretary in an amount which exceeds 90 percent of the balance of the loan outstanding.

(f) Operating reserves.

The Secretary shall maintain operating reserves with respect to anticipated claims under guarantees made under this part. Such reserves shall be considered to constitute obligations for purposes of section 200 of Title 31.

(g) Fees to lenders which make loan guarantees.

The Secretary may charge a fee to a lender which makes a loan guaranteed under this part in such amount as is necessary to cover the cost of administration of such guarantee.

(h) Maximum aggregate amount of outstanding guaranteed or direct loans.

(1) The aggregate amount of loans made to any firm which are guaranteed under this part and which are outstanding at any time shall not exceed $3,000,000.

(2) The aggregate amount of direct loans made to any firm under this part which are outstanding at any time shall not exceed $1,000,000. (Pub. L. 93–618, title II, § 255, Jan. 3, 1975, 88 Stat. 2031.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (d), is classified to section 631 et seq. of Title 15, Commerce and Trade.

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2344 of this title.

§ 2346. Delegation of functions to Small Business Administration; authorization of appropriations; transfer of unexpended balances of appropriations.

(a) In the case of any firm which is small (within the meaning of the Small Business Act and regulations promulgated thereunder), the Secretary may delegate all of his functions under this part (other than the functions under sections 2341 and 2342(d) of this title with respect to the certification of eligibility and section 2354 of this title) to the Administrator of the Small Business Administration.

(b) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary from time to time to carry out his functions under this part in connection with furnishing adjustment assistance to firms, which sums are authorized to be appropriated to remain available until expended.

(c) The unexpended balances of appropriations authorized by section 1912(d) of this title are transferred to the Secretary to carry out his functions under this part. (Pub. L. 93–618, title II, § 256, Jan. 3, 1975, 88 Stat. 2032.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (a), is classified to section 631 et seq. of Title 15, Commerce and Trade.

Section 1912 of this title, referred to in subsec. (c), was repealed by section 602 of Pub. L. 93–618. See section 2341 et seq. of this title for successor provisions.

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2347. Administration of financial assistance.

(a) Powers of Secretary.

In making and administering guarantees and olans under section 2344 of this title, the Secretary may—

(1) require security for any such guarantee or loan, and enforce, waive, or subordinate such security;

(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees or loans;

(4) acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(5) exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to section 2344 of this title.

(b) Recordation of mortgages.

Any mortgage acquired as security under subsection (a) of this section shall be recorded under applicable State law.

(c) Availability of receipts for financing functions.

All repayments of loans, payments of interest, and other receipts arising out of transactions entered into by the Secretary pursuant to this part, shall be available for financing functions performed under this part, including administrative expenses in connection with such functions. (Pub. L. 93–618, title II, § 257, Jan. 3, 1975, 88 Stat. 2033.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2348. Protective provisions.

(a) Recordkeeping.

Each recipient of adjustment assistance under this part shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary may prescribe.

(b) Audit and examination.

The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under this part.

(c) Certifications.

No adjustment assistance under this part shall be extended to any firm unless the owners, partners, or officers certify to the Secretary—

(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance; and

(2) the fees paid or to be paid to any such person.

(d) Conflicts of interest.

No financial assistance shall be provided to any firm under this part unless the owners, partners, or officers shall execute an agreement binding them and the firm for a period of 2 years after such financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within 1 year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the provisions of such financial assistance. (Pub. L. 93–618, title II, § 258, Jan. 3, 1975, 88 Stat. 2033.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2349. Penalties.

Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way a determination under this part, or for the purpose of obtaining money, property, or anything of value under this part, shall be fined not more than $5,000 or imprisoned for not more than 2 years, or both. (Pub. L. 93–618, title II, § 259, Jan. 3, 1975, 88 Stat. 2034.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2350. Civil actions.

In providing technical and financial assistance under this part the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 2343 and 2344 of this title from the application of sections 516, 547, and 2679 of Title 28. (Pub. L. 93–618, title II, § 260, Jan. 3, 1975, 88 Stat. 2034.)

§ 2351. Definitions.

For purposes of this part, the term "firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court. A firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm where necessary to prevent unjustifiable benefits. (Pub. L. 93–618, title II, § 261, Jan. 3, 1975, 88 Stat. 2034.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2352. Regulations.

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this part. (Pub. L. 93–618, title II, § 262, Jan. 3, 1975, 88 Stat. 2034.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

§ 2353. Transitional provisions.

(a) In any case where a firm or its representative has filed a petition with the International Trade Commission (hereafter in this part referred to as the "Commission") under section 1901(a)(2) of this title, and the Commission has not made its determination under section 1901(c) of this title before the effective date of this part, such firm may reapply under the provisions of section 2341 of this title. In order to assist the Secretary in making his determination under such section 2341 of this title with respect to such firm, the Commission shall make available to the Secretary, on request, data it has acquired with respect to its investigation.

(b) If, on the effective date of this part, the President (or his delegate) has not taken action under setion 1902(c) of this title with respect to a report

of the Commission containing an affirmative finding under section 1901(c) of this title or a report with respect to which an equal number of Commissioners are evenly divided, the Secretary may treat such report as a certification of eligibility made under section 2341 of this title on the effective date of this part.

(c) Any certification of eligibility of a firm under section 1902(c) of this title made before the effective date of this part shall be treated as a certification of eligibility made under section 2341 of this title on the date of the enactment of this part; except that any firm whose adjustment proposal was certified under section 1911 of this title before the effective date of this part may receive adjustment assistance at the level set forth in such certified proposal. (Pub. L. 93–618, title II, § 263, Jan. 3, 1975, 88 Stat. 2034.)

REFERENCES IN TEXT

Sections 1901, 1902, and 1911 of this title, referred to in text, were repealed by section 602 of Pub. L. 93–618. See section 2341 et seq. of this title for successor provisions. For the effective date of this part, referred to in text, see Effective and Termination Date note hereunder.

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2346 of this title.

§ 2354. Study by Secretary of Commerce when International Trade Commission begins investigation.

(a) Subject matter of study.

Whenever the Commission begins an investigation under section 2251 of this title with respect to an industry, the Commission shall immediately notify the Secretary of such investigation, and the Secretary shall immediately begin a study of—

(1) the number of firms in the domestic industry producing the like or directly competitive article which have been or are likely to be certified as eligible for adjustment assistance, and

(2) the extent to which the orderly adjustment of such firms to the import competition may be facilitated through the use of existing programs.

(b) Report; publication.

The report of the Secretary of the study under subsection (a) of this section shall be made to the President not later than 15 days after the day on which the Commission makes its report under section 2251 of this title. Upon making its report to the President, the Secretary shall also promptly make it public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the Federal Register.

(c) Information to firms.

Whenever the Commission makes an affirmative finding under section 2251(b) of this title that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Secretary shall make available, to the extent feasible, full information to the firms in such industry about programs which may facilitate the orderly adjustment to import competition of such firms, and he shall provide assistance in the preparation and processing of petitions and applications of such firms for program benefits. (Pub. L. 93–618, title II, § 264, Jan. 3, 1975, 88 Stat. 2035.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

PART 4.—ADJUSTMENT ASSISTANCE FOR COMMUNITIES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2251, 2252, 2391 of this title.

§ 2371. Petitions and determinations.

(a) Filing of petition; receipt of petition; initiation of investigation.

A petition for certification of eligibility for adjustment assistance under this part may be filed with the Secretary of Commerce (hereinafter in this part referred to as the "Secretary") by a political subdivision of a State (hereinafter in this part referred to as a "community"), by a group of such communities, or by the Governor of a State on behalf of such communities. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that he has received the petition and initiated an investigation.

(b) Public hearing.

If the petitioner, or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the Secretary's publication of notice under subsection (a) of this section a request for a hearing the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(c) Certification.

The Secretary shall certify a community as eligible for adjustment assistance under this part if he determines—

(1) that a significant number or proportion of the workers in the trade impacted area in which such community is located have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of firms, or subdivisions of firms, located in the trade impacted area specified in paragraph (1) have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by firms, or subdivisions of firms, located in the trade impacted area specified in paragraph (1) or that the transfer of firms or subdivisions of firms located in such area to foreign countries have contributed importantly to the total or partial separations, or threats thereof, described in paragraph (1) and to the decline in sales or production described in paragraph (2).

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(d) Allowable period for determination.

As soon as possible after the date on which a petition is filed under this section, but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning community, or group of communities, meets the requirements of subsection (c) of this section and shall issue a certification of eligibility for assistance under this part covering any community located in the same trade impacted area in which the petitioner is located which meets such requirements.

(e) Size and boundaries of trade impacted areas; criteria.

The Secretary, after consulting the Secretary of Labor, shall establish the size and boundaries of each trade impacted area, considering the criteria in subsection (c) of this section and, to the extent they are relevant, the factors specified as criteria for redevelopment areas under section 3161 of Title 42.

(f) Termination of certification of eligibility.

If the Secretary determines that a community requires no additional assistance under this part, he shall terminate the certification of eligibility of such community and promptly have notice of such termination published in the Federal Register. Such termination shall take effect on the termination date specified by the Secretary. (Pub. L. 93–618, title II, § 271, Jan. 3, 1975, 88 Stat. 2035.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2372 of this title.

§ 2372. Trade Impacted Area Councils for Adjustment Assistance.

(a) Establishment.

Within 60 days after a community is certified under section 2371 of this title, the Secretary shall send his representatives to the trade impacted area in which such community is located to inform officials of communities and other residents of such area about benefits available to them under this chapter and to assist such officials and residents in establishing a Trade Impacted Area Council for Adjustment Assistance (hereinafter in this part referred to as the "Council") for such area.

(b) Duty and function of Councils.

(1) The Secretary shall establish, subject to the last sentence of this paragraph, a Council for each trade impacted area in which one or more communities are certified under section 2371 of this title. Such Council shall—

(A) develop a proposal for an adjustment assistance plan for the economic rejuvenation of certified communities in its trade impacted area, and

(B) coordinate community action under the adjustment assistance plan, as approved by the Secretary.

If an appropriate entity for purposes of performing the functions specified in subparagraphs (A) and (B) already exists in such area, then the Secretary may designate such entity as the Council for such area.

(2) Such Council shall include representatives of certified communities, industry, labor, and the general public located in the trade impacted area covered by the Council.

(c) Grants for staff.

Upon application by a Council established under subsection (b) of this section, the Secretary is authorized to make grants to such Council for maintaining an appropriate professional and clerical staff. No grant shall be made to a Council to maintain staff after the period which ends 2 years after the date on which such Council is established or designated.

(d) Applications for adjustment assistance.

A Council established under this section may file an application with the Secretary for adjustment assistance under this part. Such application shall include the Council's proposal for an adjustment assistance plan for the communities in its trade impacted area. (Pub. L. 93–618, title II, § 272, Jan. 3, 1975, 88 Stat. 2036.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2373, 2374 of this title.

§ 2373. Program benefits.

(a) Types of adjustment assistance.

Adjustment assistance under this part consists of—

(1) all forms of assistance, other than loan guarantees, which are provided to a redevelopment area under the Public Works and Economic Development Act of 1965, and

(2) the loan guarantee program described in subsection (d) of this section.

(b) Approval of adjustment assistance plan.

No adjustment assistance may be extended to any community or person in a trade impacted area under this part unless the Secretary approves the adjustment assistance plan submitted to him under section 2372(d) of this title.

(c) Public Works and Economic Development Act of 1965.

For purposes of the Public Works and Economic Development Act of 1965—

(1) a trade impacted area for which an adjustment assistance plan has been approved under section 2372(d) of this title shall be treated as a redevelopment area, except that—

(A) no loan guarantees may be made to any person under such Act; and

(B) no loan or grant may be made to any recipient in such an area after September 30, 1980, and

(2) approval of an adjustment assistance plan submitted under section 2372(d) of this title shall be treated as approval of an overall economic development program under section 3142(b)(10) of Title 42.

(d) Loan guarantees.

The Secretary is authorized to guarantee loans for—

(1) the acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery, and

(2) working capital,

made to private borrowers by private lending institutions in connection with projects in trade impacted areas subject to the same terms and conditions to which loan guarantees are subject under section 3142 of Title 42, including record and audit requirements and penalties, except that—

(1) no new loan guarantee may be made under this subsection after September 30, 1982,

(2) a loan guarantee may be made for the entire amount of the outstanding unpaid balance of such loan, and

(3) no more than 20 percent of the amount of loan guarantees made under this subsection by the United States may be made in one State.

(e) Agreement of State or community to pay a portion of liability arising on loan guarantees.

The Governor of the State, the authorized representative of the community, or the Governor of the State and the authorized representative of the community, in which an applicant for a loan guarantee under subsection (b) of this section is located may enter into an agreement with the Secretary which provides that such State or such community, or that such State and such community, will pay not to exceed one-half of the amount of any liability which arises on a loan guarantee made under subsection (d) of this section if the State in which the applicant for such guarantee is located has established by law a program approved by the Secretary for the purposes of this section.

(f) Preference to corporations with employee stock ownership plan; requisite features of plan.

(1) When considering whether to guarantee a loan to a corporation which is otherwise qualified for the purposes of subsection (d) of this section, the Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements—

(A) 25 percent of the principal amount of the loan is paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by the recipient corporation, by a parent or subsidiary of such corporation, or by several corporations including the recipient corporation.

(B) the employee stock ownership plan meets the requirements of this subsection, and

(C) the agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of this section.

(2) An employee stock ownership plan does not meet the requirements of this subsection unless the governing instrument of the plan provides that—

(A) the amount of the loan paid under paragraph (1)(A) to the qualified trust will be used to purchase qualified employer securities,

(B) the qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation, and

(C) from time to time, as the qualified trust repays such amount, the trust will allocate qualified employer securities among the individual accounts of participants and their beneficiaries in accordance with the provisions of paragraph (4).

(3) The agreement among the recipient corporation, the lender, and the qualified trust does not meet the requirements of this subsection unless—

(A) it is unconditionally enforceable by any party against the others, jointly and severally,

(B) it provides that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under paragraph (2)(B) which are actually received by such trust,

(C) it provides that amounts received by the recipient corporation from the qualified trust for qualified employer securities purchased for the purpose of this subsection will be used exclusively by the recipient corporation for those purposes for which it may use that portion of the loan paid directly to it by the lender,

(D) it provides that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities for purposes of this subsection, and

(E) it provides that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to meet its obligation to make repayments of principal and interest on the amount of the loan received by the trust without regard to whether such contributions are deductible by the corporation under section 404 of Title 26 and with out regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

(4) At the close of each plan year, an employee stock ownership plan shall allocate to the accounts of participating employees that portion of the qualified employer securities the cost of which bears substantially the same ratio to the cost of all the qualified employer securities purchased under paragraph (2)(A) of this subsection as the amount of the loan principal and interest repaid by the qualified trust during that year bears to the total amount of the loan principal and interest payable by such trust during the term of such loan. Qualified employer

securities allocated to the individual account of a participant during one plan year must bear substantially the same proportion to the amount of all such securities allocated to all participants in the plan as the amount of compensation paid to such participant bears to the total amount of compensation paid to all such participants during that year.

(5) For purposes of this subsection, the term—

(A) "employee stock ownership plan" means a plan described in section 1107(d)(6) of Title 29, section 4975(e)(7) of Title 26, and in section 702(5) of Title 45 which meets the requirements of title I of the Employee Retirement Income Security Act of 1974 and of part I of subchapter D of chapter 1 of Title 26,

(B) "qualified trust" means a trust established under an employee stock ownership plan and meeting the requirements of title I of the Employee Retirement Income Security Act of 1974 and of part I of subchapter D of chapter 1 of Ttitle 26,

(C) "qualified employer securities" means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by the issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan accounts, and

(D) "equity capital" means, with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amortization made during the period described in paragraph (3)(D)), less the amount of its indebtedness.

(g) Maximum United States share of loan guarantees.

The United States share of loan guarantees made under subsection (d) on loans which are outstanding at any time may not exceed $500,000,000. (Pub. L. 93–618, title II, § 273, Jan. 3, 1975, 88 Stat. 2037.)

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsecs. (a) and (c), is Pub. L. 89–136, Aug. 26, 1965, 79 Stat. 552, which is classified to section 3121 et seq. of Title 42, The Public Health and Welfare.

Title I of the Employee Retirement Income Security Act of 1974, referred to in subsec. (f)(5)(A), (B), forms subchapter I of chapter 18 of Title 29, Labor, set out as section 1001 et seq. of Title 29.

Part I of subchapter D of chapter 1 of Title 26, referred to in subsec. (f)(5)(A), (B), is set out as section 401 et seq. of Title 26.

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2374 of this title.

§ 2374. Community Adjustment Assistance Fund; authorization of appropriations.

(a) There is established on the books of the Treasury of the United States a revolving fund to be known as the Community Adjustment Assistance Fund. The fund shall consist of such amounts as may be deposited in it pursuant to the authorization in subsection (b) of this section and any collections, repayment of loans, or other receipts received under the program established in section 2373(a) of this title. Amounts in the fund may be used only to carry out the provisions of sections 2372 and 2373(b) of this title, including administrative costs. Amounts appropriated to the fund shall be available to the Secretary without fiscal year limitation. Upon liquidation of all remaining obligations, any balances remaining in the fund after September 30, 1980, shall be transferred to the general fund of the Treasury.

(b) There are authorized to be appropriated to the Community Adjustment Assistance Fund, for the purpose of carrying out the provisions of sections 2372 and 2373(a) of this title, $100,000,000 for the fiscal year ending June 30, 1975, and such sums as may be necessary for the succeeding 7 fiscal years.

(c) There are authorized to be appropriated to the Secretary such sums as may be necessary for carrying out the loan guarantee program under section 2373(d) of this title. (Pub. L. 93–618, title II, § 274, Jan. 3, 1975, 88 Stat. 2040.)

EFFECTIVE AND TERMINATION DATE

This part effective on the 90th day following Jan. 3, 1975, and to terminate on Sept. 30, 1982, see section 284 of Pub. L. 93–618, set out as a note under section 2271 of this title.

PART 5.—MISCELLANEOUS PROVISIONS

§ 2391. General Accounting Office study and report.

(a) The Comptroller General of the United States shall conduct a study of the adjustment assistance programs established under parts 2, 3, and 4 of this subchapter and shall report the results of such study to the Congress no later than January 31, 1980. Such report shall include an evaluation of—

(1) the effectiveness of such programs in aiding workers, firms, and communities to adjust to changed economic conditions resulting from changes in the patterns of international trade; and

(2) the coordination of the administration of such programs and other Government programs which provide unemployment compensation and relief to depressed areas.

(b) In carrying out his responsibilities under this section, the Comptroller General shall, to the extent practical, avail himself of the assistance of the Departments of Labor and Commerce. The Secretaries of Labor and Commerce shall make available to the Comptroller General any assistance necessary for an effective evaluation of the adjustment assistance programs established under this subchapter. (Pub. L. 93–618, title II, § 280, Jan. 3, 1975, 88 Stat. 2040.)

§ 2392. Adjustment Assistance Coordinating Committee.

There is established the Adjustment Assistance Coordinating Committee to consist of a Deputy Special Trade Representative as Chairman, and the officials charged with adjustment assistance responsibilities of the Departments of Labor and Commerce and the Small Business Administration. It shall be

the function of the Committee to coordinate the adjustment assistance policies, studies, and programs of the various agencies involved and to promote the efficient and effective delivery of adjustment assistance benefits. (Pub. L. 93–618, title II, § 281, Jan. 3, 1975, 88 Stat. 2040.)

§ 2393. Trade monitoring system.

The Secretary of Commerce and the Secretary of Labor shall establish and maintain a program to monitor imports of articles into the United States which will reflect changes in the volume of such imports, the relation of such imports to changes in domestic production, changes in employment within domestic industries producing articles like or directly competitive with such imports, and the extent to which such changes in production and employment are concentrated in specific geographic regions of the United States. A summary of the information gathered under this section shall be published regularly and provided to the Adjustment Assistance Coordinating Committee, the International Trade Commission, and to the Congress. (Pub. L. 93–618, title II, § 282, Jan. 3, 1975, 88 Stat. 2040.)

§ 2394. Firms relocating in foreign countries.

Before moving productive facilities from the United States to a foreign country, every firm should—

(1) provide notice of the move to its employees who are likely to be totally or partially separated as a result of the move at least 60 days before the date of such move, and

(2) provide notice of the move to the Secretary of Labor and the Secretary of Commerce on the same day it notifies employees under paragraph (1).

(b)[1] It is the sense of the Congress that every such firm should—

(1) apply for and use all adjustment assistance for which it is eligible under this subchapter,

(2) offer employment opportunities in the United States, if any exist, to its employees who are totally or partially separated workers as a result of the move, and

(3) assist in relocating employees to other locations in the United States where employment opportunities exist.

(Pub. L. 93–618, title II, § 283, Jan. 3, 1975, 88 Stat. 2041.)

SUBCHAPTER III.—RELIEF FROM UNFAIR TRADE PRACTICES

§ 2411. Foreign import restrictions and export subsidies; responses to certain trade practices of foreign governments.

(a) Presidential action to eliminate restrictions or subsidies.

Whenever the President determines that a foreign country or instrumentality—

(1) maintains unjustifiable or unreasonable tariff or other import restrictions which impair the value of trade commitments made to the United States or which burden, restrict, or discriminate against United States commerce,

(2) engages in discriminatory or other acts or policies which are unjustifiable or unreasonable and which burden or restrict United States commerce,

(3) provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to the United States or to other foreign markets which have the effect of substantially reducing sales of the competitive United States product or products in the United States or in those other foreign markets, or

(4) imposes unjustifiable or unreasonable restrictions on access to supplies of food, raw materials, or manufactured or semimanufactured products which burden or restrict United States commerce,

the President shall take all appropriate and feasible steps within his power to obtain the elimination of such restrictions or subsidies, and he—

(A) may suspend, withdraw, or prevent the application of, or may refrain from proclaiming, benefits of trade agreement concessions to carry out a trade agreement with such country or instrumentality; and

(B) may impose duties or other import restrictions on the products of such foreign country or instrumentality, and may impose fees or restrictions on the services of such foreign country or instrumentality, for such time as he deems appropriate.

For purposes of this subsection, the term "commerce" includes services associated with the international trade.

(b) Relationship of Presidential action to purposes of chapter; authority to take action on nondiscriminatory treatment basis.

In determining what action to take under subsection (a) of this section, the President shall consider the relationship of such action to the purposes of this chapter. Action shall be taken under subsection (a) of this section against the foreign country or instrumentality involved, except that, subject to the provisions of section 2412 of this title, any such action may be taken on a non-discriminatory treatment basis.

(c) Findings prerequisite to Presidential action in response to foreign subsidies on exports to United States.

The President in making a determination under this section, may take action under subsection (a)(3) of this section with respect to the exports of a product to the United States by a foreign country or instrumentality if—

(1) the Secretary of the Treasury has found that such country or instrumentality provides subsidies (or other incentives having the effect of subsidies) on such exports;

(2) the International Trade Commission has found that such exports to the United States have the effect of substantially reducing sales of the competitive United States product or products in the United States; and

(3) the President finds that the Antidumping Act, 1921, and section 1303 of this title are inadequate to deter such practices.

[1] So in original. The first paragraph was not designated subsec. (a).

(d) Opportunity for presentation of views concerning foreign import restrictions and export subsidies; complaints; review by Special Representative; public hearings; rules and regulations.

(1) The President shall provide an opportunity for the presentation of views concerning the restrictions, acts, policies, or practices referred to in paragraphs (1), (2), (3), and (4) of subsection (a) of this section.

(2) Upon complaint filed by any interested party with the Special Representative for Trade Negotiations alleging any such restriction, act, policy, or practice, the Special Representative shall conduct a review of the alleged restriction, act, policy, or practice, and, at the request of the complainant, shall conduct public hearings thereon. The Special Representative shall have a copy of each complaint filed under this paragraph published in the Federal Register. The Special Representative shall issue regulations concerning the filing of complaints and the conduct of reviews and hearings under this paragraph and shall submit a report to the House of Representatives and the Senate semi-annually summarizing the reviews and hearings conducted by it under this paragraph during the preceding 6-month period.

(e) Opportunity for presentation of views concerning action to be taken by President; public hearings; views of International Trade Commission; expeditious action.

Before the President takes any action under subsection (a) of this section with respect to the import of any product or the treatment of any service—

(1) he shall provide an opportunity for the presentation of views concerning the taking of action with respect to such product or service,

(2) upon request by any interested person, he shall provide for appropriate public hearings with respect to the taking of action with respect to such product or service, and

(3) he may request the International Trade Commission for its views as to the probable impact on the economy of the United States of the taking of action with respect to such product or service.

If the President determines that, because of the need for expeditious action under subsection (a) of this section, compliance with paragraphs (1) and (2) would be contrary to the national interest, then such paragraphs shall not apply with respect to such action, but he shall thereafter promptly provide an opportunity for the presentation of views concerning the action taken and, upon request by any interested person, shall provide for appropriate public hearings with respect to the action taken. The President shall provide for the issuance of regulations concerning the filing of requests for, and the conduct of, hearings under this subsection. (Pub. L. 93–618, title III, § 301, Jan. 3, 1975, 88 Stat. 2041.)

REFERENCES IN TEXT

The Antidumping Act, 1921, referred to in subsec. (c)(3), is classified to section 160 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1872, 2171, 2192, 2412 of this title.

§ 2412. Same; procedure for Congressional disapproval of certain actions taken by President to eliminate foreign import restrictions and export subsidies.

(a) Whenever the President takes any action under subparagraph (A) or (B) of section 2411(a) of this title with respect to any country or instrumentality other than the country or instrumentality whose restriction, act, policy, or practice was the cause for taking such action, he shall promptly transmit to the House of Representatives and to the Senate a document setting forth the action which he has so taken, together with his reasons therefor.

(b) If, before the close of the 90-day period beginning on the day on which the document referred to in subsection (a) of this section is delivered to the House of Representatives and to the Senate, the two Houses adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of disapproval under the procedures set forth in section 2192 of this title, then such action under section 2411(a) of this title shall have no force and effect beginning with the day after the date of the adoption of such concurrent resolution of disapproval, except with respect to the country or instrumentality whose restriction, act, policy, or practice was the cause for taking such action. (Pub. L. 93–618, title III, § 302, Jan. 3, 1975, 88 Stat. 2043.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2194, 2411 of this title.

SUBCHAPTER IV.—TRADE RELATIONS WITH COUNTRIES NOT CURRENTLY RECEIVING NONDISCRIMINATORY TREATMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2191 of this title.

§ 2431. Exception of products of certain countries or areas.

Except as otherwise provided in this subchapter, the President shall continue to deny nondiscriminatory treatment to the products of any country, the products of which were not eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975. (Pub. L. 93–618, title IV, § 401, Jan. 3, 1975, 88 Stat. 2056.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

§ 2432. Freedom of emigration in East-West trade.

(a) Actions of nonmarket economy countries making them ineligible for most-favored-nation treatment, programs of credits, credit guarantees, or investment guarantees, or commercial agreements.

To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, on or after January 3, 1975, products from any nonmarket economy country shall not be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President

of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice,

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) Presidential determination and report to Congress that nation is not violating freedom of emigration.

After January 3, 1975, (A) products of a nonmarket economy country may be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (C) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a) of this section. Such report with respect to such country shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, and current information, on or before each June 30 and December 31 thereafter so long as such treatment is received, such credits or guarantees are extended, or such agreement is in effect.

(c) Waiver authority of President.

(1) During the 18-month period beginning on January 3, 1975, the President is authorized to waive by Executive order the application of subsection (a) and (b) of this section with respect to any country, if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(2) During any period subsequent to the 18-month period referred to in paragraph (1), the President is authorized to waive by Executive order the application of subsections (a) and (b) of this section with respect to any country, if the waiver authority granted by this subsection continues to apply to such country pursuant to subsection (d) of this section, and if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(3) A waiver with respect to any country shall terminate on the day after the waiver authority granted by this subsection ceases to be effective with respect to such country pursuant to subsection (d) of this section. The President may, at any time, terminate by Executive order any waiver granted under this subsection.

(d) Recommendation to Congress to extend period of waiver authority.

(1) If the President determines that the extension of the waiver authority granted by subsection (c)(1) of this section will substantially promote the objectives of this section, he may recommend to the Congress that such authority be extended for a period of 12 months. Any such recommendation shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in the document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c)(1) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

(2) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, such authority shall continue in effect with respect to any country for a period of 12 months following the end of the 18-month period referred to in subsection (c)(1) of this section, if, before the end of such 18-month period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 2193 of this title, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent resolution on the date of the adoption of such concurrent resolution. If before the end of such 18-month period, a concurrent resolution approving the extension of such authority is not adopted by the House and the Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c)(1) of this section shall cease to be effective with respect to all countries at the end of such 18-month period;

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such

authority shall cease to be effective with respect to such country at the end of such 18-month period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 18-month period.

(3) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, and at the end of the 18-month period referred to in subsection (c)(1) of this section the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A) of paragraph (2) does not apply, such authority shall continue in effect for a period of 60 days following the end of such 18-month period with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (2)), and shall continue in effect for a period of 12 months following the end of such 18-month period with respect to any such country if, before the end of such 60-day period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 2193 of this title, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent resolution on the date of the adoption of such concurrent resolution. If before the end of such 60-day period, a concurrent resolution approving the extension of such authority is not adopted by the House and Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c)(1) of this section shall cease to be effective with respect to all countries on the date of the vote on the question of final passage by the House which votes last;

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period.

(4) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1) of this section, and at the end of the 60-day period referred to in paragraph (3) the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A) of paragraph (3) does not apply, such authority shall continue in effect until the end of the 12-month period following the end of the 18-month period referred to in subsection (c)(1) of this section with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (2) or subparagraph (B) or (C) of paragraph (3)), unless before the end of the 45-day period following such 60-day period either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority with respect to such country.

(5) If the waiver authority granted by subsection (c) of this section has been extended under paragraph (3) or (4) for any country for the 12-month period referred to in such paragraphs, and the President determines that the further extension of such authority will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following such previous 12-month extension, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 2193 of this title, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority

shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority with respect to such country.

(e) Countries not covered.

This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975. (Pub. L. 93–618, title IV, § 402, Jan. 3, 1975, 88 Stat. 2056.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

EX. ORD. NO. 11854. WAIVER FOR SOCIALIST REPUBLIC OF ROMANIA

Ex. Ord. No. 11854, Apr. 24, 1975, 40 F.R. 18391, provided:

By virtue of the authority vested in me by section 402(c)(1) of the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978, 2057) [subsec. (c)(1) of this section], and having made the report to the Congress required by that provision, I hereby waive the application of subsections (a) and (b) of section 402 of said Act [subsecs. (a) and (b) of this section] with respect to the Socialist Republic of Romania.

GERALD R. FORD

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2437, 2439, 2192, 2193 of this title.

§ 2433. United States personnel missing in action in Southeast Asia.

(a) Notwithstanding any other provision of law, if the President determines that a nonmarket economy country is not cooperating with the United States—

(1) to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia,

(2) to repatriate such personnel who are alive, and

(3) to return the remains of such personnel who are dead to the United States,

then, during the period beginning with the date of such determination and ending on the date on which the President determines such country is cooperating with the United States, he may provide that—

(A) the products of such country may not receive nondiscriminatory treatment,

(B) such country may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees, and

(C) no commercial agreement entered into under this subchapter between such country and the United States will take effect.

(b) This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975. (Pub. L. 93–618, title IV, § 403, Jan. 3, 1975, 88 Stat. 2060.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

§ 2434. Extension of nondiscriminatory treatment.

(a) Presidential proclamation.

Subject to the provisions of section 2435(c) of this title, the President may by proclamation extend nondiscriminatory treatment to the products of a foreign country which has entered into a bilateral commercial agreement referred to in section 2435 of this title.

(b) Limitation on period of effectiveness.

The application of nondiscriminatory treatment shall be limited to the period of effectiveness of the obligations of the United States to such country under such bilateral commercial agreement. In addition, in the case of any foreign country receiving nondiscriminatory treatment pursuant to this subchapter which has entered into an agreement with the United States regarding the settlement of lend-lease reciprocal aid and claims, the application of such nondiscriminatory treatment shall be limited to periods during which such country is not in arrears on its obligations under such agreement.

(c) Suspension or withdrawal of extensions of nondiscriminatory treatment.

The President may at any time suspend or withdraw any extension of nondiscriminatory treatment to any country pursuant to subsection (a) of this section, and thereby cause all products of such country to be dutiable at the rates set forth in rate column numbered 2 of the Tariff Schedules for the United States. (Pub. L. 93–618, title IV, § 404, Jan. 3, 1975, 88 Stat. 2060.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

PROC. NO. 4369. AGREEMENT WITH SOCIALIST REPUBLIC OF ROMANIA

Proc. No. 4369, Apr. 24, 1975, 40 F.R. 18389, provided:

Pursuant to the authority vested in me by the United States Constitution, I, as President of the United States of America, acting through duly empowered representatives, entered into negotiation with duly empowered representatives of the Socialist Republic of Romania looking toward the conclusion of an agreement governing trade relations between the United States of America and the Socialist Republic of Romania;

The aforesaid negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93–618, January 3, 1975; 88 Stat. 1978) [this chapter];

An "Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania," including the annexes thereto, in the English and Romanian languages, was signed on April 2, 1975, by duly empowered representatives of the Governments of the United States of America and the Socialist Republic of Romania, respectively, and is hereto annexed [Filed with the Office of the Federal Register],

The said Agreement is in conformity with the requirements relating to bilateral commercial agreements as specified in section 405(b) of the Trade Act of 1974 (88 Stat. 1978, 2061) [section 2435(b) of this title];

It is provided in Article XII of the said Agreement that it shall enter into force on the date of exchange of written notices of accetpance by the Governments of the United States of America and the Socialist Republic of Romania; and

It is provided in section 405(c) of the Trade Act of 1974 (88 Stat. 1978, 2061) [section 2435(c) of this title] that

a bilateral commercial agreement providing nondiscriminatory treatment to the products of countries heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress by the adoption of a concurrent resolution of approval, referred to in section 151 of the Trade Act of 1974 (88 Stat. 1978, 2001), of the extension of nondiscriminatory treatment to the products of the country concerned;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 404(a) of the Trade Act of 1974 [subsec. (a) of this section], do hereby proclaim as follows:

(1) This Proclamation shall become effective and said agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Socialist Republic of Romania in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XII of the said Agreement, all of the foregoing to follow the adoption by the House of Representatives and the Senate, in accordance with the procedures set forth in section 151 of the said Act [section 2191 of this title], of a concurrent resolution of approval of the extension of nondiscriminatory treatment to the products of the Socialist Republic of Romania, to the end that the same and every part of the said Agreement may be observed and fulfilled with good faith by the United States of America and the citizens thereof and all other persons subject to the jurisdiction thereof as of the date of its entry into force; and

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Rumania" as of the effective date of this proclamation and a notice thereof shall be published in the Federal Register promptly thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord one thousand nine hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2435, 2437 of this title.

§ 2435. Commercial agreements.

(a) Presidential authority.

Subject to the provisions of subsections (b) and (c) of this section, the President may authorize the entry into force of bilateral commercial agreements providing nondiscriminatory treatment to the products of countries heretofore denied such treatment whenever he determines that such agreements with such countries will promote the purposes of this chapter and are in the national interest.

(b) Terms of agreements.

Any such bilateral commercial agreement shall—

(1) be limited to an initial period specified in the agreement which shall be no more than 3 years from the date the agreement enters into force; except that it may be renewable for additional periods, each not to exceed 3 years; if—

(A) a satisfactory balance of concessions in trade and services has been maintained during the life of such agreement, and

(B) the President determines that actual or foreseeable reductions in United States tariffs and nontariff barriers to trade resulting from multilateral negotiations are satisfactorily reciprocated by the other party to the bilateral agreement;

(2) provide that it is subject to suspension or termination at any time for national security reasons, or that the other provisions of such agreement shall not limit the rights of any party to take any action for the protection of its security interests;

(3) include safeguard arrangements (A) providing for prompt consultations whenever either actual or prospective imports cause or threaten to cause, or significantly contribute to, market disruption and (B) authorizing the imposition of such import restrictions as may be appropriate to prevent such market disruption;

(4) if the other party to the bilateral agreement is not a party to the Paris Convention for the Protection of Industrial Property, provide rights for United States nationals with respect to patents and trademarks in such country not less than the rights specified in such convention;

(5) if the other party to the bilateral agreement is not a party to the Universal Copyright Convention, provide rights for United States nationals with respect to copyrights in such country not less than the rights specified in such convention;

(6) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the protection of industrial rights and processes;

(7) provide arrangements for the settlement of commercial differences and disputes;

(8) in the case of an agreement entered into or renewed after January 3, 1975, provide arrangements for the promotion of trade, which may include those for the establishment or expansion of trade and tourist promotion offices, for facilitation of activities of governmental commercial officers, participation in trade fairs and exhibits, and the sending of trade missions, and for facilitation of entry, establishment, and travel of commercial representatives;

(9) provide for consultations for the purpose of reviewing the operation of the agreement and relevant aspects of relations between the United States and the other party; and

(10) provide such other arrangements of a commercial nature as will promote the purposes of this chapter.

(c) Congressional action.

An agreement referred to in subsection (a) of this section, and a proclamation referred to in section 2434(a) of this title implementing such agreement, shall take effect only if (1) approved by the Congress by the adoption of a concurrent resolution referred to in section 2191 of this title, or (2) in the case of an agreement entered into before January 3, 1975, and a proclamation implementing such agreement, a resolution of disapproval referred to in section 2192 of this title is not adopted during the 90-day period specified by section 2437(c)(2) of this title. (Pub. L. 93–618, title IV, § 405, Jan. 3, 1975, 88 Stat. 2061.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2434, 2436 of this title.

§ 2436. Market disruption.

(a) Investigation by International Trade Commission; report; publication.

(1) Upon the filing of a petition by an entity described in section 2251(a)(1) of this title, upon request of the President or the Special Representative for Trade Negotiations, upon resolution of either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, or on its own motion, the International Trade Commission (hereafter in this section referred to as the "Commission") shall promptly make an investigation to determine, with respect to imports of an article which is the product of a Communist country, whether market disruption exists with respect to an article produced by a domestic industry.

(2) The provisions of subsections (a)(2), (b)(3), and (c) of section 2251 of this title shall apply with respect to investigations by the Commission under paragraph (1).

(3) The Commission shall report to the President its determination with respect to each investigation under paragraph (1) and the basis therefor and shall include in each report any dissenting or separate views. If the Commission finds, as a result of its investigation, that market disruption exists with respect to an article produced by a domestic industry, it shall find the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such market disruption and shall include such finding in its report to the President. The Commission shall furnish to the President a transcript of the hearings and any briefs which may have been submitted in connection with each investigation.

(4) The report of the Commission of its determination with respect to an investigation under paragraph (1) shall be made at the earliest practicable time, but not later than 3 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Commission shall also promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(b) Affirmative determination.

For purposes of sections 2252 and 2253 of this title, an affirmative determination of the Commission under subsection (a) of this section shall be treated as an affirmative determination under section 2251(b) of this title, except that—

(1) the President may take action under sections 2252 and 2253 of this title only with respect to imports from the country or countries involved of the article with respect to which the affirmative determination was made, and

(2) if such action consists of, or includes, an orderly marketing agreement, such agreement shall be entered into within 60 days after the import relief determination date.

(c) Products of Communist countries.

If, at any time, the President finds that there are reasonable grounds to believe, with respect to imports of an article which is the product of a Communist country, that market disruption exists with respect to an article produced by a domestic industry, he shall request the Commission to initiate an investigation under subsection (a) of this section. If the President further finds that emergency action is necessary, he may take action under sections 2252 and 2253 of this title as if an affirmative determination of the Commission had been made under subsection (a) of this section. Any action taken by the President under the preceding sentence shall cease to apply (1) if a negative determination is made by the Commission under subsection (a) of this section with respect to imports of such article, on the day on which the Commission's report of such determination is submitted to the President, or (2) if an affirmative determination is made by the Commission under subsection (a) of this section with respect to imports of such article, on the day on which the action taken by the President pursuant to such determination becomes effective.

(d) Petitions to initiate consultations as provided for by safeguard arrangements.

(1) A petition may be filed with the President by an entity described in section 2251(a)(1) of this title requesting the President to initiate consultations provided for by the safeguard arrangements of any agreement entered into under section 2435 of this title with respect to imports of an article which is the product of the country which is the other party to such agreement.

(2) If the President determines that there are reasonable grounds to believe, with respect to imports of such article, that market disruption exists with respect to an article produced by a domestic industry, he shall initiate consultations with such country with respect to such imports.

(e) Definitions.

For purposes of this section—

(1) The term "Communist country" means any country dominated or controlled by communism.

(2) Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.

(Pub. L. 93–618, title IV, § 406, Jan. 3, 1975, 88 Stat. 2062.)

§ 2437. Procedure for Congressional approval or disapproval of extension of nondiscriminatory treatment and Presidential reports.

(a) Whenever the President issues a proclamation under section 2434 of this title extending nondiscriminatory treatment to the products of any foreign country, he shall promptly transmit to the House of Representatives and to the Senate a document setting forth the proclamation and the agreement the proclamation proposes to implement, together with his reasons therefor.

(b) The President shall transmit to the House of Representatives and the Senate a document containing the initial report submitted by him under section 2432(b) or 2439(b) of this title with respect to a nonmarket economy country. On or before December 31 of each year, the President shall transmit to the House of Representatives and the Senate, a document containing the report required by section 2432(b) or 2439(b) of this title as the case may be, to be submitted on or before such December 31.

(c)(1) In the case of a document referred to in subsection (a) of this section (other than a document to which paragraph (2) applies), the proclamation set forth therein may become effective and the agreement set forth therein may enter into force and effect only if the House of Representatives and the Senate adopt, by an affirmative vote of a majority of those present and voting in each House, a concurrent resolution of approval (under the procedures set forth in section 2191 of this title) of the extension of nondiscriminatory treatment to the products of the country concerned.

(2) In the case of a document referred to in subsection (a) of this section which sets forth an agreement entered into before January 3, 1975, and a proclamation implementing such agreement, such proclamation may become effective and such agreement may enter into force and effect after the close of the 90-day period beginning on the day on which such document is delivered to the House of Representatives and to the Senate, unless during such 90-day period either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 2192 of this title) of the extension of nondiscriminatory treatment to the products of the country concerned.

(3) In the case of a document referred to in subsection (b) of this section which contains a report submitted by the President under section 2432(b) or 2439(b) with respect to a nonmarket economy country, if, before the close of the 90-day period beginning on the day on which such document is delivered to the House of Representatives and to the Senate, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 2192 of this title) of the report submitted by the President with respect to such country, then, beginning with the day after the date of the adoption of such resolution of disapproval, (A) nondiscriminatory treatment shall not be in force with respect to the products of such country, and the products of such country shall be dutiable at the rates set forth in rate column numbered 2 of the Tariff Schedules of the United States, (B) such country may not participate in any program of the Government of the United States which extends credit or credit guarantees or investment guarantees, and (C) no commercial agreement may thereafter be concluded with such country under this subchapter. (Pub. L. 93–618, title IV, § 407, Jan. 3, 1975, 88 Stat. 2063.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c)(3), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2194, 2435 of this title.

§ 2438. Payment by Czechoslovakia of amounts owed United States citizens and nationals.

(a) The arrangement initialed on July 5, 1974, with respect to the settlement of the claims of citizens and nationals of the United States against the Government of Czechoslovakia shall be renegotiated and shall be submitted to the Congress as part of any agreement entered into under this subchapter with Czechoslovakia.

(b) The United States shall not release any gold belonging to Czechoslovakia and controlled directly or indirectly by the United States pursuant to the provisions of the Paris Reparations Agreement of January 24, 1946, or otherwise, until such agreement has been approved by the Congress. (Pub. L. 93–618, title IV, § 408, Jan. 3, 1975, 88 Stat. 2064.)

§ 2439. Freedom to emigrate to join a very close relative in United States.

(a) To assure the continued dedication of the United States to the fundamental human rights and welfare of its own citizens, and notwithstanding any other provision of law, on or after January 3, 1975, no nonmarket economy country shall participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to join permanently through emigration, a very close relative in the United States, such as a spouse, parent, child, brother, or sister;

(2) imposes more than a nominal tax on the visas or other documents required for emigration described in paragraph (1); or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate as described in paragraph (1),

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) After January 3, 1975, (A) a nonmarket economy country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (B) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a) of this section. Such report with respect to such country shall include information as to the nature and implementation of its laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate to the United States to join

close relatives. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31 thereafter, so long as such credits or guarantees are extended or such agreement is in effect.

(c) This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on January 3, 1975.

(d) During any period that a waiver is in effect with respect to any nonmarket economy country under section 2432(c) of this title, the provisions of subsections (a) and (b) of this section shall not apply with respect to such country. (Pub. L. 93–618, title IV, § 409, Jan. 3, 1975, 88 Stat. 2064.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2192, 2437 of this title.

§ 2440. East-West Trade Statistics Monitoring System.

The International Trade Commission shall establish and maintain a program to monitor imports of articles into the United States, from nonmarket economy countries and exports of articles from the United States to nonmarket economy countries. To the extent feasible, the Commission shall coordinate such program with any relevant data gathering programs presently conducted by the Secretary of Commerce. The Secretary of Commerce shall provide the Commission with any information which, in the determination of the Commission, is necessary to carry out this section. The Commission shall publish a detailed summary of the data collected under the East-West Trade Statistics Monitoring System not less frequently than once each calendar quarter and shall transmit such publication to the East-West Foreign Trade Board and to Congress. Such publication shall include data on the effect of such imports, if any, on the production of like, or directly competitive, articles in the United States and on employment within the industry which produces like, or directly competitive, articles in the United States. (Pub. L. 93–618, title IV, § 410, Jan. 3, 1975, 88 Stat. 2065.)

§ 2441. East-West Foreign Trade Board.

(a) Establishment; purpose.

The President shall establish an East-West Foreign Trade Board (hereinafter referred to as the "Board") to monitor trade between persons and agencies of the United States Government and nonmarket economy countries or instrumentalities of such countries to insure that such trade will be in the national interest of the United States.

(b) Reports to Board.

(1) Any person who exports technology vital to the national interest of the United States to a nonmarket economy country or an instrumentality of such country, and any agency of the United States which provides credits, guarantees or insurance to such country or such instrumentality in an amount in excess of $5,000,000 during any calendar year, shall file a report with the Board in such form and manner as the Board requires which describes the nature and terms of such export or such provision.

(2) For purposes of paragraph (1), if the total amount of credits, guarantees and insurance which an agency of the United States provides to all nonmarket economy countries and the instrumentalities of such countries exceeds $5,000,000 during a calendar year, then all subsequent provisions of credits, guarantees or insurance in any amount, during such year shall be reported to the Board under the provisions of paragraph (1).

(c) Report of Board to Congress.

The Board shall submit to Congress a quarterly report on trade between the United States and nonmarket economy countries and instrumentalities of such countries. Such report shall include a review of the status of negotiations of biolateral trade agreements between the United States and such countries under this subchapter, the activities of joint trade commissions created pursuant to such agreements, the resolution of commercial disputes between the United States and such countries, any exports from such countries which have caused disruption of United States markets, and recommendations for the promotion of east-west trade in the national interest of the United States. (Pub. L. 93–618, title IV, § 411, Jan. 3, 1975, 88 Stat. 2065.)

SUBCHAPTER V.—GENERALIZED SYSTEM OF PREFERENCES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2253 of this title.

§ 2461. Authority to extend preferences.

The President may provide duty-free treatment for any eligible article from any beneficiary developing country in accordance with the provisions of this subchapter. In taking any such action, the President shall have due regard for—

(1) the effect such action will have on furthering the economic development of developing countries;

(2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized references with respect to imports of products of such countries; and

(3) the anticipated impact of such action on United States producers of like or directly competitive products.

(Pub. L. 93–618, title V, § 501, Jan. 3, 1975, 88 Stat. 2066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1802, 2463, 2464 of this title.

§ 2462. Beneficiary developing countries.

(a) Designation by President.

(1) For purposes of this subchapter, the term "beneficiary developing country" means any country with respect to which there is in effect an Executive order by the President of the United States designating such country as a beneficiary developing country for purposes of this subchapter. Before the President designates any country as a beneficiary

developing country for purposes of this subchapter, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(2) If the President has designated any country as a beneficiary developing country for purposes of this subchapter, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order which has the effect of terminating such designation) unless, at least 60 days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(3) For purposes of this subchapter, the term "country" means any foreign country, any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. In the case of an association of countries which is a free trade area or customs union, the President may by Executive order provide that all members of such association other than members which are barred from designation under subsection (b) of this section shall be treated as one country for purposes of this subchapter.

(b) Countries ineligible for designation as beneficiary developing countries.

No designation shall be made under this section with respect to any of the following:

Australia	Japan
Austria	Monaco
Canada	New Zealand
Czechoslovakia	Norway
European Economic Community member states	Poland
	Republic of South Africa
	Sweden
Finland	Switzerland
Germany (East)	Union of Soviet Socialist Republics
Hungary	
Iceland	

In addition, the President shall not designate any country a beneficiary developing country under this section—

(1) if such country is a Communist country, unless (A) the products of such country receive nondiscriminatory treatment, (B) such country is a contracting party to the General Agreement on Tariffs and Trade and a member of the International Monetary Fund, and (C) such country is not dominated or controlled by international communism;

(2) if such country is a member of the Organization of Petroleum Exporting Countries, or a party to any other arrangement of foreign countries, and such country participates in any action pursuant to such arrangement the effect of which is to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level and to cause serious disruption of the world economy;

(3) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated before January 1, 1976, or that action will be taken before January 1, 1976, to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(4) if such country—

(A) has nationalized, expropriated, or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property,

unless—

(D) the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(5) if such country does not take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 812 of Title 21) produced, processed, or transported in such country from entering the United States unlawfully; and

(6) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 percent or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent

arbitral bodies to which the parties involved have submitted their dispute.

Paragraphs (4), (5), and (6) shall not prevent the designation of any country as a beneficiary developing country under this section if the President determines that such designation will be in the national economic interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) Factors determinative of whether to designate country as beneficiary developing country.

In determining whether to designate any country a beneficiary developing country under this section, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the level of economic development of such country, including its per capita gross national product, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) whether or not the other major developed countries are extending generalized preferential tariff treatment to such country; and

(4) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country.

(d) Access to supplies.

The President may exempt from the application of paragraph (2) of subsection (b) of this section any country during the period during which such country (A) is a party to a bilateral or multilateral trade agreement to which the United States is also a party if such agreement fulfills the negotiating objectives set forth in section 2118 of this title of assuring the United States fair and equitable access at reasonable prices to supplies of articles of commerce important to the economic requirements of the United States and (B) is not in violation of such agreement by action denying the United States such fair and equitable access. (Pub. L. 93–618, title V, § 502 (a)–(c), (e), Jan. 3, 1975, 88 Stat. 2066–2069.)

CODIFICATION

Subsec. (d) was, in the original, subsec. (e) of section 502 of Pub. L. 93–618. Subsec. (d) of section 502 of Pub. L. 93–618, calling for an addition to General Headnote 3(a) of the Tariff Schedules of the United States, has been executed to section 1202 of this title.

The phrase "withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level which causes serious disruption of the world economy" in subsec. (b)(2) was repeated in its entirety in the original immediately following the semicolon. The phrase as thus repeated has been omitted in codification as the probable intent of Congress.

EXECUTIVE ORDER NO. 11844

Ex. Ord. No. 11844, Mar. 24, 1975, 40 F.R. 13295, formerly set out as a note under this section, which related to the designation of beneficiary developing countries, was superseded by Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, set out as a note under this section.

EX. ORD. NO. 11888. IMPLEMENTING THE GENERALIZED SYSTEM OF PREFERENCES

Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, provided:

The Trade Act of 1974 [this chapter] authorizes the establishment of a Generalized System of Preferences for eligible articles imported from beneficiary developing countries.

The President has designated and may, by Executive order, designate certain countries as beneficiary developing countries, after having determined that such designations are in accordance with the provisions of the Trade Act of 1974 and after having provided the necessary information to the Congress, pursuant to Section 502 of the Trade Act of 1974 [this section]. The necessary determinations have been made and the appropriate information has been furnished the Congress.

The President may, by Executive order, designate articles eligible for duty-free treatment after receiving advice from appropriate agencies, public comment, and the advice of the International Trade Commission. That advice has been received, as requested, by reference to item numbers, and statistical divisions thereof, contained in the Tariff Schedules of the United States, hereinafter sometimes referred to as TSUS [section 1202 of this title].

Since not every article within the group represented by an item number of the Tariff Schedules of the United States is eligible for duty-free treatment under a Generalized System of Preferences, it is necessary to subdivide some of the exist item numbers.

In order to implement the Generalized System of Preferences and to remove expired provisions of the TSUS, relating to the Philippine Republic and the Trust Territory of the Pacific Islands, it is necessary to amend the Tariff Schedules of the United States, thus embodying the substance of relevant provisions of the Trade Act of 1974, and of actions taken thereunder, into the Tariff Schedules of the United States.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V and Section 604 of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*; 88 Stat. 2073, 19 U.S.C. 2483) [this subchapter and section 2483 of this title], and as President of the United States of America, in order to designate additional beneficiary developing countries and eligible articles, and to implement a Generalized System of Preferences, it is hereby ordered as follows:

SECTION 1. The following expired headnotes and items for the products of the Philippine Republic and of the Trust Territory of the Pacific Islands are deleted from the Tariff Schedules of the United States:

Headnotes:
General headnote 3(c);
Headnotes 3 and 4, part 13, schedule 1;
Headnotes 1, 2, and 3, part 14, schedule 1;
Headnote 2, subpart B, part 14, schedule 1;
Headnote 2, part 2, schedule 3; and
Headnote 3, subpart A, part 7, schedule 7.

TSUS items:

170.22	170.37	170.68	176.07
170.23	170.42	170.70	176.08
170.24	170.43	170.74	176.09
170.26	170.44	170.75	176.10
170.27	170.47	170.76	176.11
170.29	170.48	175.10	176.12
170.31	170.49	175.11	176.13
170.33	170.62	175.12	745.21
170.34	170.63	176.05	745.22
170.36	170.64	176.06	

SEC. 2. The article descriptions, including superior headings, for TSUS items 175.09 and 176.04 are amended to read, respectively, "Copra" and "Coconut Oil".

SEC. 3. A column entitled "GSP" is added to the left of, and adjacent to, the column entitled "Item" on each page of schedules 1 through 7 of the TSUS. The designations "A" or "A*", as specified in general headnote 3(c)(ii) of the TSUS, as added by Section 9 of this Order, shall be placed in the column entitled "GSP" opposite the TSUS item number of each article which has been designated as an eligible article for purposes of the Generalized System of Preferences.

SEC. 4. In order to subdivide existing items for purposes of the Generalized System of Preferences, the Tariff Schedules of the United States are amended as provided in Annex I, attached hereto and made a part hereof.

SEC. 5. The articles, identified by item numbers of the Tariff Schedules of the United States, as modified by this Order, set forth in Annex II and Annex III, attached hereto and made a part hereof, are designated, pursuant to Section 503 of the Trade Act of 1974 (88 Stat. 2069, 19 U.S.C. 2463) [section 2463 of this title], as eligible articles for purposes of the Generalized System of Preferences, and shall be given duty-free treatment as set forth in General Headnote 3(c) of the TSUS, as added by Section 9 of this Order.

SEC. 6. The designation "A" shall be inserted in the column entitled "GSP" of the TSUS, as modified by this Order, opposite the TSUS item numbers set forth in Annex II of this Order.

SEC. 7. The designation "A*" shall be inserted in the column entitled "GSP" of the TSUS, as modified by this Order, opposite the TSUS item numbers set forth in Annex III of this Order.

SEC. 8. The countries set forth in General Headnote 3(c)(i) of the TSUS, as added by Section 9 of this Order, are hereby designated as beneficiary developing countries.

SEC. 9. A new General Headnote 3(c) of the TSUS is hereby added as follows:

"(c) *Products of Countries Designated Beneficiary Developing Countries for Purposes of the Generalized System of Preferences (GSP)*:

"(i) The following countries and territories are designated beneficiary developing countries for purposes of the Generalized System of Preferences, provided for in Title V of the Trade Act of 1974 (88 Stat. 2066, 19 U.S.C. 2461 *et seq.*) [this subchapter]:

"(a) *Independent Countries*

Afghanistan	Malagasy Republic
Angola	Malawi
Argentina	Malaysia
Bahamas	Maldive Islands
Bahrain	Mali
Bangladesh	Malta
Barbados	Mauritania
Bhutan	Mauritius
Bolivia	Mexico
Botswana	Morocco
Brazil	Mozambique
Burma	Nauru
Burundi	Nepal
Cameroon	Nicaragua
Cape Verde	Niger
Central African Republic	Oman
Chad	Pakistan
Chile	Panama
Colombia	Papua New Guinea
Congo (Brazzaville)	Paraguay
Costa Rica	Peru
Cyprus	Philippines
Dahomey	Romania
Dominican Republic	Rwanda
Egypt	Sao Tome and Principe
El Salvador	Senegal
Equatorial Guinea	Sierra Leone
Ethiopia	Singapore
Fiji	Somalia
Gambia	Sri Lanka
Ghana	Sudan
Grenada	Surinam
Guatemala	Swaziland
Guinea	Syria
Guinea Bissau	Taiwan
Guyana	Tanzania
Haiti	Thailand
Honduras	Togo
India	Tonga
Israel	Trinidad and Tobago
Ivory Coast	Tunisia
Jamaica	Turkey
Jordan	Upper Volta
Kenya	Uruguay
Korea, Republic of	Western Samoa
Laos	Yemen Arab Republic
Lebanon	Yugoslavia
Lesotho	Zaire
Liberia	Zambia

"(b) *Non-Independent Countries and Territories*

Afars and Issas, French Territory of the	Macao
Antigua	Montserrat
Belize	Netherlands Antilles
Bermuda	New Caledonia
British Indian Ocean Territory	New Hebrides Condominium
British Solomon Islands	Niue
Brunei	Norfolk Island
Cayman Islands	Pitcairn Island
Christmas Island (Australia)	Portuguese Timor
Cocos (Keeling) Islands	Saint Christopher-Nevis-Anguilla
Comora Islands	Saint Helena
Cook Islands	Saint Lucia
Dominica	Saint Vincent
Falkland Islands (Malvinas) and Dependencies	Seychelles
French Polynesia	Spanish Sahara
Gibraltar	Tokelau Islands
Gilbert and Ellice Islands	Trust Territory of the Pacific Islands
Heard Island and McDonald Islands	Turks and Caicos Islands
Hong Kong	Virgin Islands, British
	Wallis and Futuna Islands

"(ii) Articles for which the designations "A" or "A*" appear in the column entitled "GSP" of the schedules are those designated by the President to be eligible articles for purposes of the GSP pursuant to Section 503 of the Trade Act [section 2463 of this title]. The designation "A" signifies that all beneficiary developing countries are eligible for preferential treatment with respect to all articles provided for in the designated TSUS item, while the designation "A*" indicates that certain beneficiary developing countries, specifically enumerated in subdivision (c)(iii) of this headnote, are not eligible for such preferential treatment with regard to any article provided for in the designated TSUS item. Whenever an eligible article is imported into the customs territory of the United States directly from a country or territory listed in subdivision (c)(i) of this headnote, it shall receive duty-free treatment unless excluded from such treatment by subdivision (c)(iii) of this headnote, provided that, in accordance with regulations promulgated by the Secretary of the Treasury:

"(A) The sum of (1) the cost or value of the materials produced in the beneficiary developing country, plus (2) the direct costs of processing operations performed in such country is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States; or

"(B) The sum of (1) the cost or value of the material produced in two or more beneficiary developing countries which are members of the same association of countries which is treated as one country under Section 502(a)(3) of the Trade Act, plus (2) the direct cost of processing operations performed in such countries is not less than 50 percent of the appraised value of such article at the time of its entry into the customs territory of the United States;

"and provided further that, for the purposes of (A) above, the term "country" does not include an association of countries which is treated as one country under Section 502(a)(3) of the Trade Act [subsec. (a)(3) of this section], but does include a country which is a member of any such association.

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

TSUS item No.	*Country or territory*
106.60	India.
106.70	Nicaragua.
107.48	Argentina.
111.15	Mexico.
121.50	Yugoslavia.
121.52	India.
121.54	Do.

TSUS item No.	*Country or territory*
130.40	Mexico.
130.63	Do.
131.35	Hong Kong.
135.80	Nicaragua.
135.90	Mexico.
136.00	Dominican Republic.
136.80	Mexico.
136.98	Dominican Republic.
137.40	Mexico.
137.75	Costa Rica.
138.05	Mexico.
140.09	Thailand.
140.14	Do.
140.16	Ethiopia.
141.35	Turkey.
141.55	Dominican Republic.
141.70	Republic of China (Taiwan).
145.24	Mexico.
145.60	Republic of China (Taiwan).
146.12	Argentina.
146.44	Philippine Republic.
147.33	Jamaica.
147.80	Mexico.
148.35	Do.
148.72	Chile.
148.77	Republic of Korea.
149.15	Dominican Republic.
149.50	Do.
152.00	Philippine Republic.
152.43	Dominican Republic.
152.72	Honduras.
153.02	Dominican Republic.
153.08	Do.
155.20	Argentina.
	Brazil.
	Republic of China (Taiwan).
	Colombia.
	Costa Rica.
	Dominican Republic.
	Guatemala.
	Guyana.
	India.
	Jamaica.
	Mexico.
	Peru.
	Philippine Republic.
155.35	Dominican Republic.
155.40	Mexico.
155.75	Do.
156.45	Do.
168.15	Trinidad.
168.18	Peru.
168.23	Do.
168.50	Mexico.
176.01	Brazil.
176.02	Do.
190.10	Mexico.
192.85	Do.
200.91	Do.
202.60	Thailand.
202.62	Mexico.
206.45	Philippine Republic.
206.60	Mexico.
206.95	Haiti.
222.10	Hong Kong.
222.42	Do.
240.02	Philippine Republic.
240.10	Brazil.
240.12	Do.
240.25	Republic of Korea.
240.38	Philippine Republic.
240.60	Singapore.
245.45	Surinam.
256.60	Republic of Korea.
256.85	Mexico.
304.04	Philippine Republic.
304.40	Republic of Korea.
304.48	Mexico.
304.58	India.
305.20	Do.
305.22	India.
305.28	Do.
305.30	Do.
305.40	Philippine Republic.
306.52	Republic of China (Taiwan).
306.53	Peru.
319.01	India.
319.03	Do.
319.05	Do.
319.07	Do.
335.50	Do.
347.30	Do.
355.04	Mexico.
360.35	India.
364.18	Republic of China (Taiwan)
364.35	Do.
365.05	Colombia.
365.14	Pakistan.
403.78	Mexico.
416.10	Turkey.
418.28	Israel.
419.60	Chile.
420.78	Turkey.
421.46	Mexico.
421.90	Peru.
422.76	Mexico.
425.32	Do.
426.94	Israel.
428.92	Mexico.
437.16	India.
437.64	Brazil.
446.10	Malaysia.
455.16	Nicaragua.
461.05	Israel.
461.15	Bermuda.
465.70	Argentina.
470.57	Do.
472.48	Cyprus.
473.36	Do.
473.52	Mexico.
473.56	Do.
493.20	Republic of China (Taiwan).
493.21	Do.
511.31	Mexico.
511.41	Do.
511.51	Do.
512.44	Do.
514.11	Dominican Republic.
514.54	Mexico.
516.71	India.
516.73	Do.
516.76	Do.
517.21	Malagasy Republic.
517.24	Do.
518.41	Mexico.
520.35	Thailand.
520.37	Hong Kong.
523.61	Mexico.
531.04	Yugoslavia.
535.31	Mexico.
540.47	Do.
544.11	Republic of China (Taiwan).
545.53	Mexico.
545.65	Do.
547.51	Do.
602.30	Peru.
	Philippine Republic.
603.45	Republic of Korea.
605.60	Mexico.
610.56	India.
612.03	Chile.
	Peru.
612.06	Chile.
	Yugoslavia.
613.18	Israel.
618.29	Republic of Korea.
624.42	Mexico.
628.90	Chile.

TSUS item No.	*Country or territory*
646.06	Hong Kong.
646.82	Republic of China (Taiwan).
646.86	Hong Kong.
646.98	Mexico.
647.10	Do.
649.37	Do.
650.87	Hong Kong.
651.01	Do.
652.36	Do.
653.85	Republic of China (Taiwan).
656.20	Hong Kong.
661.65	Israel.
672.10	Hong Kong.
676.20	Mexico.
676.52	Do.
678.50	Republic of China (Taiwan).
683.80	Hong Kong.
684.50	Do.
685.24	Republic of China (Taiwan).
	Hong Kong.
	Republic of Korea.
	Singapore.
685.90	Mexico.
686.30	Republic of China (Taiwan).
688.10	Do.
688.40	Hong Kong.
692.27	Mexico.
694.60	Do.
696.35	Republic of China (Taiwan).
702.08	Do.
702.14	Hong Kong.
702.35	Mexico.
702.45	Do.
703.20	Do.
703.65	Do.
706.40	Hong Kong.
708.41	Do.
710.30	Mexico.
713.05	Israel.
713.19	Mexico.
722.14	Hong Kong.
725.20	Pakistan.
726.70	Mexico.
730.27	Brazil.
730.39	Do.
730.41	Do.
730.65	Yugoslavia.
731.30	Republic of China (Taiwan).
731.50	Republic of Korea.
734.10	Republic of China (Taiwan).
734.25	Hong Kong.
734.30	Do.
734.34	Do.
734.40	Republic of China (Taiwan).
734.51	Do.
734.54	Republic of Korea.
734.56	Haiti.
734.60	Republic of China (Taiwan).
737.40	Hong Kong.
737.50	Do.
737.95	Do.
740.05	Mexico.
740.30	Hong Kong.
740.70	Yugoslavia.
741.20	Hong Kong.
745.08	Do.
748.20	Do.
748.40	Republic of China (Taiwan).
750.05	Hong Kong.
750.35	Republic of China (Taiwan).
750.40	Hong Kong.
751.05	Republic of China (Taiwan).
751.20	Do.
760.65	Do.
771.05	Mexico.
772.03	Hong Kong.
772.35	Republic of China (Taiwan).
772.97	Hong Kong.
773.10	Do.
773.20	Republic of Korea.
774.20	India.
774.60	Hong Kong.
790.07	Do.
790.39	Republic of China (Taiwan).
790.70	Republic of Korea.
791.20	Brazil.
792.50	Philippine Republic.
792.60	Hong Kong.
792.75	Do.

SEC. 10. The provisions of this Order shall be effective with respect to articles that are both (1) imported, and (2) (a) entered for consumption or (b) withdrawn from warehouse for consumption on or after the effective date of this Order.

SEC. 11. Executive Order No. 11844 of March 24, 1975, is superseded.

SEC. 12. This Order shall be effective on January 1, 1976.

GERALD R. FORD.

ANNEX I.—GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

NOTES

1. Bracketed matter is included to assist in the understanding of proclaimed modifications.
2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Schedule 1

1. Item 107.50 is superseded by:			
[Beef . . . :]			
"Beef in airtight containers:			
107.48	Corned beef	7.5% ad val.	30% ad val.
107.52	Other	7.5% ad val.	30% ad val."
2. Item 130.65 is superseded by:			
[Wheat:]			
"Not fit for human consumption:			
130.63	Seed wheat	5% ad val.	10% ad val.
130.66	Other	5% ad val.	10% ad val."
3. Item 138.60 is superseded by:			
"Vegetables, fresh, chilled, or frozen, and cut, sliced, or otherwise reduced in size (but not otherwise prepared or preserved):			
138.05	Broccoli, cauliflower and okra	17.5% ad val.	35% ad val.
138.50	Other	17.5% ad val.	35% ad val."
4. Items 147.80 and 147.91 are superseded by:			
"Mangoes, fresh, or prepared or preserved:			
147.86	Fresh	3.75¢ per lb.	15¢ per lb.
147.87	If products of Cuba	3¢ per lb. (s)	
147.92	Prepared or preserved	3.75¢ per lb.	15¢ per lb.
147.93	If products of Cuba	3¢ per lb. (s)"	

ANNEX I.—GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule 1—Continued

5. Items 152.46 and 152.47 are superseded by:

	[Fruit pastes and fruit pulps:]		
"152.43	Cashew apple, mamey colorado, sapodilla, soursop and sweetsop	17.5% ad val.	35% ad val.
152.44	If product of Cuba	10% ad val. (s)	
152.65	Papaya	17.5% ad val.	35% ad val.
152.66	If product of Cuba	10% ad val. (s)"	

6. Item 153.00 is superseded by:

	[All jellies . . .:]		
"153.02	Cashew apple, mango, mamey colorado, sapodilla, soursop and sweetsop	5% ad val.	35% ad val.
153.20	Papaya	5% ad val.	35% ad val."

7.(a) Items 168.19, 168.20, 168.21, and 168.22 are superseded by:

	[Brandy:]		
	"Pisco and singani:		
	In containers each holding not over 1 gallon:		
168.18	Valued not over $9 per gallon	62¢ per gal.	$5 per gal.
168.23	Valued over $9 per gallon	$1.25 per gal.	$5 per gal.
	In containers each holding over 1 gallon:		
168.24	Valued not over $9 per gallon	50¢ per gal.	$5 per gal.
168.26	Valued over $9 per gallon	$1 per gal.	$5 per gal.
	Other:		
	In containers each holding not over 1 gallon:		
168.27	Valued not over $9 per gallon	62¢ per gal.	$5 per gal.
168.28	Valued over $9 per gallon	$1.25 per gal.	$5 per gal.
	In containers each holding over 1 gallon:		
168.29	Valued not over $9 per gallon	50¢ per gal.	$5 per gal.
168.32	Valued over $9 per gallon	$1 per gal.	$5 per gal."

(b) Conforming changes: Items 168.25 and 168.30 are redesignated as 168.33 and 168.34, respectively. The article description for item 945.16 is modified by substituting therein "168.23, 168.26, 168.28 and 168.32" for "168.20 and 168.22".

8.(a) Item 182.95 is superseded by:

	[Edible preparations . . .:]		
	[Other:]		
	"Other:		
182.96	Wheat gluten	10% ad val.	20% ad val.
182.98	Other	10% ad val.	20% ad val."

(b) Conforming changes: Headnote 3 of subpart B, part 15, schedule 1 is modified by substituting therein "182.96 and 182.98" for "and 182.95." The article description for item 950.16 is modified by substituting therein "182.98" for "182.95." The article description for item 950.23 is modified by substituting therein "182.98" for "182.95."

Schedule 2

9. Item 206.97 is superseded by:

	[Household utensils . . . :]		
	"Other:		
206.96	Coat and garment hangers	8% ad val.	33⅓% ad val.
206.98	Other	8% ad val.	33⅓% ad val."

Schedule 3

10. Items 335.80 and 335.90 are superseded by:

	[Woven fabrics . . . :]		
	[Other:]		
	"Weighing not over 4 ounces per square yard:		
335.70	Of jute	3.2% ad val.	35% ad val.
335.75	Other	3.2% ad val.	35% ad val.
	Weighing over 4 ounces per square yard:		
335.85	Of jute	5% ad val.	40% ad val.
335.95	Other	5% ad val.	40% ad val."

11. Item 347.25 is superseded by:

	[Narrow fabrics:]		
	[Of vegetable . . . :]		
	"Wicking:		
347.26	Of cotton	10% ad val.	30% ad val.
347.28	Other	10% ad val.	30% ad val."

12. (a) Items 360.75 and 360.80 are superseded by:

	[Floor coverings . . . :]		
	[In which . . . :]		
	[Other:]		
	"Hand-hooked, that is, in which the pile or tufts were inserted or knotted by hand or by means of a hand tool:		
	With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
360.76	Of cotton	12.5% ad val.	60% ad val.
360.77	Other	12.5% ad val.	60% ad val.
	Other:		
360.78	Of man-made fibers	12.5% ad val.	60% ad val.
360.79	Other	12.5% ad val.	60% ad val.
	Other:		
	With over 50 percent by weight of the pile or tufts being of vegetable fibers:		
360.81	Of cotton	16.5% ad val.	60% ad val.
360.82	Other	16.5% ad val.	60% ad val.
	Other:		
360.83	Of man-made fibers	16.5% ad val.	60% ad val.
360.84	Other	16.5% ad val.	60% ad val."

(b) Conforming changes: The article description for item 361.90 is modified by substituting therein "360.81 to 360.84, inclusive," for "360.80."

13. Items 364.11, 364.12, and 364.15 are superseded by:

	[Tapestries . . .:]		
	[Other:]		
	[Of vegetable . . .:]		
	[Jacquard-figured:]		
	"Not pile construction:		
364.07	Of cotton	15% ad val.	55% ad val.
364.09	Of vegetable fibers, except cotton	15% ad val.	55% ad val.
	Pile construction:		
364.13	Of cotton	15% ad val.	40% ad val.
364.14	Of vegetable fibers, except cotton	15% ad val.	40% ad val.
	Other:		
364.16	Certified hand-loomed and folklore products; and articles of cotton	15% ad val.	40% ad val.
364.18	Other	15% ad val.	40% ad val."

14. Items 365.10 and 365.85 are superseded by:

	[Lace or net furnishings . . .:]		
	[Handmade lace . . .:]		
	[Valued . . .:]		
	"Other:		
365.11	Of wool or of manmade fibers	20% ad val.	90% ad val.
365.14	Other	20% ad val.	90% ad val."
	[Net furnishings . . .:]		
	"Other:		
365.86	Of wool or of man-made fibers	21% ad val.	90% ad val.
365.91	Other	21% ad val.	90% ad val."

ANNEX I.—GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES—Continued

Schedule 3—Continued

15. Item 370.20 is superseded by:

	[Lace handkerchiefs . . .:]		
	"Other:		
370.21	Of man-made fibers	1¢ each + 10% ad val.	4¢ each + 40% ad val.
370.22	Other	1¢ each + 10% ad val.	4¢ each + 40% ad val."

16. Item 390.12 is superseded by:

	[Scrap cordage:]		
	"Other:		
390.14	Of man-made fibers	2.5% ad val.	10% ad val.
390.16	Other	2.5% ad val.	10% ad val."

Schedule 4

17. Item 425.98 is superseded by:

	[Acids:]		
"425.87	Propionic acid and sorbic acid	6% ad val.	25% ad val.
425.99	Other	6% ad val.	25% ad val."

Schedule 6

18. Item 685.23 is superseded by:

	[Radiotelegraphic . . .:]		
	[Radiotelegraphic . . .:]		
	[Other:]		
	[Other:]		
	"Solid-state (tubeless) radio receivers:		
685.21	Designed for motor-vehicle installation	10.4% ad val.	35% ad val.
685.24	Other	10.4% ad val.	35% ad val."

19. Items 687.50 and 687.51 are superseded by:

	[Electronic . . .:]		
	"Television picture tubes:		
687.35	Color	15% ad val.	60% ad val.
687.36	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6(B), schedule 6).	Free	
687.40	Other	15% ad val.	60% ad val.
687.41	If Canadian article and original motor-vehicle equipment (see headnote 3, part 6(B), schedule 6).	Free"	

Schedule 7

20. (a) Item 700.55 is superseded by:

	[Footwear . . .:]		
	[Other . . .:]		
	"Having uppers of which over 90 percent of the exterior surface area is rubber or plastics (except footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper):		
700.54	Zoris (thonged sandals)	6% ad val.	35% ad val.
700.58	Other	6% ad val.	35% ad val."

(b) Conforming changes: Headnote 3(a) of subpart A, part 1, schedule 7 is modified by subsittuting therein "700.58" for "800.55."

21. Items 702.05 and 702.10 are superseded by:

	[Headwear . . . :]		
	[Of cotton . . . :]		
	"Knit:		
702.06	Of cotton	21% ad val.	45% ad val.
702.08	Other	21% ad val.	45% ad val.
	Not knit:		
702.12	Certified hand-loomed and folklore products; and headwear of cotton	20% ad val.	37.5% ad val.
702.14	Other	20% ad val.	37.5% ad val.

22. Item 704.35 is superseded by:

	[Gloves . . . :]		
	[Lace or net . . . :]		
	"Of material other than vegetable fibers or wool:		
704.32	Of man-made fibers	30% ad val.	90% ad val.
704.34	Other	30% ad val.	90% ad val."

23. Item 726.80 is superseded by:

	"Musical instrument parts not specially provided for:		
726.85	Piano parts	8.5% ad val.	40% ad val.
726.90	Other	8.5% ad val.	40% ad val."

24. Item 727.80 is superseded by:

	"Pillows, cushions, mattresses, and similar furnishing, all the foregoing, whether or not fitted with covers and with or without electrical heating elements, fitted with springs, stuffed, or both, or of expanded, foamed, or sponge rubber or plastics:		
727.82	Of cotton	15% ad val.	40% ad val.
727.86	Other	15% ad val.	40% ad val."

25. Item 734.59 is superseded by:

	"Badminton equipment, and parts thereof:		
734.48	Nets of cotton, whether or not in badminton sets	14% ad val.	30% ad val.
734.51	Other	14% ad val.	30% ad val."

26. Item 737.90 is superseded by:

	[Toys . . . :]		
	"Other:		
737.85	Kites	17.5% ad val.	70% ad val.
737.95	Other	17.5% ad val.	70% ad val."

ANNEX II

TSUS item

100.25	107.70	113.40	123.50	130.30	141.05	146.80	154.55	161.53	165.55
100.31	107.75	113.50	124.20	130.35	141.20	147.21	154.60	161.61	166.10
100.95	107.80	113.60	124.25	131.20	141.45	147.29	155.30	161.65	166.30
105.84	110.28	114.05	124.30	132.55	141.50	147.36	155.60	161.69	166.40
106.40	110.35	114.25	124.40	135.30	141.79	147.85	156.25	161.71	167.05
106.75	110.45	114.55	124.60	135.50	145.02	147.92	156.30	161.75	167.15
106.80	111.18	117.65	124.65	135.51	145.09	149.60	156.35	161.79	167.25
106.85	111.56	117.67	124.70	135.70	145.28	152.54	156.40	161.83	167.34
107.10	111.92	119.50	124.80	135.94	145.30	152.58	156.47	161.92	167.40
107.15	112.03	119.55	125.30	136.90	145.52	153.16	157.10	161.94	167.50
107.20	112.36	120.17	125.70	136.99	145.53	153.24	161.15	161.96	168.17
107.25	112.40	121.10	125.80	137.01	145.54	153.28	161.19	162.03	168.24
107.40	112.94	121.15	126.41	140.10	146.22	153.32	161.37	162.07	168.26
107.45	113.01	121.25	127.10	140.11	146.42	154.10	161.43	162.11	168.33
107.65	113.30	121.65	130.20	140.46	146.66	154.40	161.45	162.15	168.35

ANNEX II—Continued

TSUS item—Continued

168.55	222.40	254.15	306.42	405.35	418.42	421.74	426.52	428.86	446.15
175.51	222.41	254.18	306.60	405.40	418.44	421.76	426.54	428.88	446.30
176.30	222.44	254.20	306.61	405.45	418.50	421.84	426.56	428.90	450.10
176.33	222.55	254.25	306.70	405.55	418.52	421.86	426.58	428.94	450.20
176.50	222.57	254.30	306.71	406.80	418.60	422.00	426.62	428.96	452.24
176.70	222.60	254.35	306.72	407.02	418.62	422.10	426.64	429.00	452.48
177.58	222.62	254.40	306.80	407.04	418.68	422.12	426.72	429.10	452.54
177.62	222.64	254.42	306.81	407.06	418.72	422.14	426.76	429.12	452.58
177.69	240.00	254.44	306.82	407.08	418.74	422.20	426.77	429.20	452.80
177.72	240.03	254.46	307.02	407.10	418.76	422.24	426.78	429.22	455.02
178.30	240.04	254.48	307.04	407.12	418.78	422.26	426.82	429.24	455.06
182.05	240.06	254.50	307.06	407.20	418.80	422.30	426.84	429.26	455.18
182.10	240.14	254.54	307.16	407.25	418.94	422.58	426.86	429.30	455.20
182.11	240.16	254.56	308.06	407.30	419.00	422.60	426.88	429.32	455.22
182.15	240.19	254.58	308.10	407.32	419.02	422.62	426.92	429.34	455.24
182.20	240.21	254.63	308.16	407.35	419.04	422.70	426.96	429.38	455.30
182.30	240.30	254.65	308.18	407.40	419.10	422.72	426.98	429.42	455.32
182.32	240.32	254.70	308.20	407.45	419.20	422.74	427.02	429.44	455.34
182.35	240.34	254.75	308.30	407.50	419.22	422.78	427.04	429.46	455.36
182.36	240.36	254.80	308.35	407.55	419.24	422.80	427.06	429.47	455.38
182.40	240.40	254.85	308.40	407.60	419.28	422.82	427.08	429.48	455.40
182.45	240.50	254.90	308.45	407.70	419.32	422.90	427.12	429.60	455.42
182.46	240.52	254.95	308.47	407.80	419.34	422.92	427.14	429.70	455.44
182.52	240.54	256.05	308.50	407.90	419.38	422.94	427.16	429.85	455.46
182.58	240.56	256.10	308.51	408.05	419.40	423.00	427.18	429.95	460.10
182.90	240.58	256.13	308.55	408.10	419.42	423.80	427.20	435.10	460.15
182.96	245.00	256.15	308.80	408.15	419.44	423.84	427.22	435.70	460.25
184.50	245.10	256.20	308.90	408.20	419.50	423.86	427.24	437.02	460.30
184.65	245.20	256.25	312.10	408.25	419.52	423.88	427.25	437.04	460.35
186.10	245.30	256.30	312.30	408.30	419.54	423.94	427.28	437.06	460.45
186.15	245.50	256.35	312.40	408.35	419.70	423.96	427.30	437.10	460.50
186.20	245.60	256.40	312.50	408.40	419.74	425.00	427.40	437.12	460.55
186.30	245.70	256.42	315.75	408.45	419.76	425.02	427.42	437.13	460.60
186.40	245.80	256.44	316.50	408.60	419.80	425.04	427.44	437.14	460.65
186.50	251.10	256.48	316.70	408.70	419.82	425.06	427.45	437.18	460.70
188.30	251.15	256.52	335.70	408.75	419.84	425.08	427.46	437.20	460.75
188.34	251.20	256.54	335.85	408.80	419.90	425.09	427.48	437.22	460.80
188.50	251.25	256.56	339.10	409.00	420.00	425.10	427.53	437.24	460.85
190.25	251.30	256.58	347.20	415.20	420.02	425.12	427.54	437.30	460.90
190.68	251.45	256.65	347.28	415.27	420.04	425.14	427.56	437.32	461.10
191.15	251.49	256.67	347.35	415.50	420.06	425.18	427.58	437.36	461.20
192.45	252.05	256.70	347.72	416.05	420.08	425.20	427.60	437.38	461.30
192.70	252.10	256.75	347.75	416.30	420.14	425.22	427.62	437.40	461.35
200.06	252.13	256.80	355.20	416.45	420.16	425.24	427.64	437.44	461.40
200.45	252.15	256.90	355.42	417.10	420.18	425.26	427.70	437.49	461.45
202.38	252.17	270.45	355.55	417.14	420.20	425.28	427.72	437.50	465.05
202.40	252.20	270.50	360.36	417.16	420.22	425.34	427.74	437.51	465.10
202.54	252.25	273.30	360.77	417.18	420.24	425.36	427.82	437.52	465.15
202.56	252.27	273.50	360.79	417.20	420.26	425.38	427.84	437.54	465.20
202.66	252.30	273.55	360.82	417.22	420.28	425.41	427.92	437.55	465.25
203.10	252.35	273.65	360.84	417.24	420.30	425.42	427.94	437.56	465.30
203.20	252.40	273.70	361.53	417.26	420.34	425.52	427.97	437.57	465.35
203.30	252.42	273.75	364.09	417.28	420.36	425.70	427.98	437.58	465.40
204.05	252.45	273.85	364.14	417.30	420.40	425.72	428.04	437.60	465.45
204.10	252.50	273.90	364.25	417.32	420.54	425.74	428.06	437.65	465.50
204.20	252.57	273.95	365.91	417.34	420.60	425.76	428.12	437.68	465.55
204.30	252.59	274.00	370.17	417.36	420.68	425.78	428.20	437.69	465.60
204.35	252.61	274.05	370.19	417.38	420.70	425.82	428.22	437.70	465.65
206.30	252.63	274.10	370.22	417.42	420.82	425.84	428.24	437.72	465.75
206.47	252.67	274.15	385.95	417.44	420.84	425.86	428.26	437.74	465.80
206.50	252.70	274.20	390.16	417.50	420.86	425.87	428.30	437.82	465.85
206.52	252.73	274.23	403.02	417.52	420.88	425.88	428.32	437.84	465.87
206.53	252.75	274.27	403.04	417.54	420.94	425.94	428.34	437.86	465.90
206.54	252.77	274.29	403.06	417.64	420.98	426.00	428.36	438.01	465.92
206.98	252.79	274.33	403.08	417.70	421.04	426.04	428.40	438.02	465.95
207.00	252.81	274.35	403.10	417.72	421.06	426.08	428.42	439.30	466.05
220.10	252.84	274.60	403.40	417.74	421.08	426.10	428.44	439.50	466.10
220.15	252.86	274.65	403.42	417.76	421.10	426.12	428.46	440.00	466.15
220.20	252.90	274.70	403.44	417.78	421.14	426.14	428.50	445.05	466.20
220.25	253.05	274.75	403.46	417.80	421.16	426.18	428.52	445.10	466.25
220.31	253.10	274.80	403.70	417.90	421.18	426.22	428.54	445.15	466.30
220.35	253.15	274.85	403.75	417.92	421.22	426.24	428.58	445.20	470.15
220.38	253.20	274.90	403.90	418.00	421.34	426.26	428.62	445.25	470.25
220.40	253.25	304.10	405.04	418.14	421.36	426.28	428.64	445.30	470.55
220.45	253.30	304.12	405.06	418.18	421.44	426.32	428.66	445.35	470.85
220.50	253.35	304.14	405.10	418.22	421.52	426.34	428.68	445.40	472.06
222.30	253.40	304.20	405.15	418.24	421.54	426.36	428.72	445.45	472.10
222.32	253.45	304.22	405.20	418.26	421.60	426.42	428.80	445.50	472.14
222.34	254.05	304.44	405.25	418.32	421.62	426.44	428.82	445.75	472.24
222.36	254.09	305.50	405.30	418.40	421.72	426.46	428.84	446.12	472.30

ANNEX II—Continued

TSUS item—Continued

472.40	493.46	520.51	544.61	608.08	620.22	640.30	646.42	649.91	653.10
472.42	493.47	520.54	544.64	608.10	620.26	640.35	646.45	650.05	653.15
472.44	493.50	520.61	545.11	608.25	620.30	640.40	646.47	650.07	653.20
472.50	493.67	520.71	545.17	608.27	620.40	642.06	646.51	650.13	653.25
473.02	493.68	521.87	545.21	608.30	620.42	642.16	646.53	650.19	653.30
473.06	493.82	522.41	545.25	608.32	620.46	642.18	646.54	650.35	653.35
473.10	494.04	522.45	545.27	609.12	620.50	642.20	646.56	650.37	653.37
473.12	494.40	522.71	545.31	609.13	622.15	642.25	646.57	650.43	653.39
473.14	494.52	522.81	545.34	609.15	622.17	642.27	646.65	650.51	653.45
473.16	494.60	523.31	545.35	609.88	622.20	642.30	646.72	650.53	653.50
473.18	495.05	523.33	545.37	609.90	622.22	642.45	646.74	650.57	653.60
473.19	495.10	523.35	545.55	610.58	622.25	642.47	646.75	650.61	653.62
473.20	495.15	535.37	545.57	610.62	622.35	642.50	646.76	650.63	653.65
473.24	495.20	523.51	545.61	610.63	622.40	642.52	646.77	650.65	653.70
473.28	511.11	523.91	545.63	610.65	624.02	642.54	646.78	650.71	653.75
473.30	511.25	523.94	545.67	610.66	624.04	642.56	646.85	650.73	653.80
473.32	511.61	531.01	545.81	610.70	624.10	642.58	646.87	650.75	653.90
473.38	511.71	531.11	545.85	610.71	624.12	642.60	646.88	650.77	653.95
473.44	512.24	531.21	545.87	610.74	624.14	642.62	646.95	650.79	653.97
473.46	512.31	531.24	546.21	610.80	624.16	642.64	646.97	650.81	654.00
473.48	512.35	531.33	546.23	612.02	624.18	642.66	647.01	650.83	654.05
473.50	512.41	531.35	546.25	612.05	624.20	642.68	647.03	650.85	654.10
473.54	513.21	531.37	546.40	612.08	624.22	642.70	647.05	650.89	654.15
473.58	513.36	531.39	546.42	612.10	624.24	642.72	648.51	651.03	654.20
473.60	513.41	532.14	546.43	612.15	624.30	642.74	648.53	651.04	656.05
473.62	513.51	532.31	546.44	612.17	624.32	642.76	648.55	651.07	656.10
473.66	513.74	532.41	546.46	612.20	624.34	642.78	648.57	651.09	656.15
473.70	513.81	532.61	546.48	612.30	624.40	642.80	648.61	651.11	656.25
473.72	513.84	533.11	546.49	612.31	624.50	642.82	648.63	651.13	656.30
473.74	513.94	533.14	546.50	612.32	624.52	642.85	648.67	651.15	656.35
473.76	514.21	533.16	547.11	612.34	624.54	642.87	648.69	651.21	657.10
473.78	514.24	533.23	547.13	612.35	626.15	642.93	648.71	651.23	657.15
473.80	514.34	533.25	547.15	612.36	626.17	644.02	648.73	651.25	657.20
473.82	514.41	533.26	547.21	612.38	626.18	644.06	648.75	651.27	657.30
473.84	514.44	533.41	547.31	612.39	626.20	644.08	648.85	651.29	657.35
473.86	514.51	534.11	547.37	612.40	626.22	644.09	648.89	651.31	657.40
473.88	514.57	534.21	547.41	612.41	626.24	644.11	648.91	651.33	657.50
473.90	514.61	534.31	547.43	612.43	626.30	644.12	648.93	651.37	657.60
474.02	514.65	534.74	547.53	612.44	626.31	644.15	648.95	651.45	657.70
474.04	514.81	534.76	547.55	612.45	626.35	644.17	648.97	651.47	657.75
474.06	515.11	534.81	548.01	612.50	626.40	644.18	649.01	651.49	657.80
474.08	515.14	534.84	548.03	612.52	626.42	644.20	649.03	651.51	657.90
474.20	515.24	534.87	548.05	612.55	626.45	644.22	649.05	651.53	658.00
474.22	515.31	534.91	601.27	612.56	628.05	644.24	649.07	651.55	660.10
474.26	515.34	534.94	601.33	612.60	628.10	644.26	649.11	651.60	660.15
474.30	515.51	534.97	602.10	612.61	628.15	644.28	649.14	651.62	660.20
474.35	515.54	535.11	602.20	612.62	628.20	644.30	649.17	652.03	660.22
474.40	515.61	535.12	602.28	612.63	628.25	644.32	649.19	652.06	660.25
474.42	515.64	535.14	603.10	612.64	628.30	644.36	649.21	652.09	660.30
474.44	516.11	535.21	603.15	612.70	628.35	644.38	649.23	652.12	660.35
474.46	516.21	535.24	603.25	612.71	628.40	644.40	649.24	652.15	660.42
474.50	516.24	535.27	603.30	612.72	628.45	644.42	649.25	652.18	660.44
474.60	516.74	535.41	603.40	612.73	628.50	644.46	649.26	652.21	660.46
474.62	516.91	536.11	603.49	612.80	628.55	644.48	649.27	652.24	660.52
475.55	516.94	536.15	603.50	612.81	628.59	644.52	649.29	652.27	660.54
475.60	517.11	540.11	603.54	612.82	628.70	644.56	649.31	652.30	660.65
485.10	517.27	540.13	603.55	613.02	628.74	644.60	649.32	652.33	660.70
485.20	517.51	540.14	603.70	613.03	628.95	644.64	649.33	652.35	660.75
485.30	517.61	540.15	605.03	613.04	629.05	644.68	649.35	652.38	660.80
490.05	517.71	540.21	605.05	613.06	629.10	644.72	649.39	652.41	660.85
490.10	517.74	540.37	605.06	613.08	629.20	644.76	649.41	652.42	660.92
490.24	517.81	540.41	605.08	613.10	629.25	644.80	649.43	652.45	660.94
490.30	517.91	540.43	605.48	613.11	629.26	644.84	649.44	652.50	661.09
490.32	518.21	540.51	605.65	613.12	629.50	644.88	649.46	652.55	661.10
490.40	518.44	540.55	605.66	613.15	629.60	644.92	649.47	652.65	661.12
490.42	518.51	540.61	607.01	618.10	629.65	644.95	649.48	652.70	661.15
490.44	519.11	540.63	607.02	618.15	632.02	644.98	649.49	652.72	661.20
490.46	519.14	540.65	607.03	618.17	632.04	646.02	649.53	652.75	661.25
490.48	519.31	540.67	607.04	618.20	632.12	646.04	649.57	652.80	661.30
490.50	519.37	540.71	607.12	618.22	632.18	646.17	649.67	652.84	661.35
490.90	519.51	541.11	607.18	618.25	632.34	646.20	649.71	652.86	661.40
490.92	519.83	541.21	607.35	618.27	632.42	646.22	649.73	652.88	661.45
490.94	519.84	541.31	607.36	618.40	632.60	646.27	649.75	652.90	661.50
493.10	519.86	543.11	607.37	618.42	632.62	646.28	649.77	652.92	661.55
493.16	519.91	544.14	607.45	618.47	632.66	646.30	649.79	652.93	661.70
493.18	519.93	544.16	607.51	620.08	633.00	646.32	649.81	652.98	661.85
493.22	519.95	544.18	607.57	620.10	640.05	646.34	649.83	653.02	661.90
493.25	519.97	544.41	608.04	620.12	640.10	646.36	649.85	653.03	661.92
493.26	520.31	544.51	608.05	620.16	640.20	646.40	649.87	653.05	661.95
493.30	520.39	544.54	608.06	620.20	640.25	646.41	649.89	653.07	662.10

ANNEX II—Continued

TSUS item—Continued

662.15 674.75 685.42 703.75 710.12 722.32 726.62 734.70 748.15 771.30
662.18 674.80 685.60 703.80 710.14 722.34 726.63 734.71 748.21 771.31
662.20 674.90 685.70 703.85 710.16 722.40 726.65 734.72 748.25 771.35
662.26 676.07 686.22 704.34 710.20 722.42 726.75 734.75 748.32 771.40
662.35 676.10 686.24 704.75 710.21 722.44 726.90 734.77 748.34 771.42
662.50 676.12 686.40 704.80 710.26 722.46 727.02 734.80 748.36 771.45
664.05 676.15 686.50 704.95 710.27 722.50 727.04 734.85 750.10 771.50
664.10 676.22 686.60 705.30 710.34 722.52 727.06 734.86 750.15 771.55
666.10 676.23 686.70 705.90 710.36 722.55 727.15 734.87 750.20 772.06
666.25 676.23 686.80 706.04 710.40 722.56 727.30 734.88 750.22 772.09
668.00 676.25 686.90 706.45 710.42 722.60 727.35 734.90 750.25 772.15
668.02 676.30 687.10 706.47 710.46 722.64 727.40 734.91 750.32 772.20
668.04 676.50 687.20 706.50 710.50 722.70 727.45 734.93 750.45 772.25
668.06 678.20 687.30 708.01 710.60 722.72 727.47 734.95 750.47 772.40
668.07 678.30 687.40 708.03 710.61 722.75 727.48 734.96 750.50 772.42
668.10 678.32 688.04 708.05 710.63 722.78 727.52 734.97 750.55 772.45
668.15 678.35 688.06 708.07 710.65 722.80 727.55 735.05 750.60 772.51
668.20 678.40 688.12 708.09 710.67 722.82 727.86 735.09 750.65 772.54
668.32 678.45 688.15 708.21 710.68 722.83 728.05 735.10 750.70 772.60
668.34 680.05 688.20 708.23 710.70 722.85 728.10 735.11 750.75 772.65
668.36 680.07 688.25 708.25 710.72 722.86 728.15 735.12 750.80 772.70
668.38 680.12 688.30 708.27 710.76 722.88 728.20 735.15 751.10 772.80
668.50 680.15 688.35 708.29 710.78 722.90 728.25 735.17 751.11 772.85
670.00 680.20 690.05 708.43 710.80 722.92 730.05 735.18 751.15 772.95
670.02 680.22 690.10 708.45 710.86 722.94 730.23 735.20 751.25 773.05
670.04 680.25 690.15 708.47 710.88 722.96 730.25 737.07 755.05 773.15
670.06 680.27 690.20 708.51 710.90 723.05 730.29 737.09 755.10 773.25
670.12 680.40 690.35 708.52 711.04 723.10 730.31 737.15 755.20 773.30
670.14 680.45 690.40 708.53 711.08 723.15 730.37 737.25 755.25 773.35
670.16 680.47 692.04 708.55 711.25 723.20 730.43 737.30 755.30 774.25
670.17 680.48 692.14 708.57 711.30 723.25 730.45 737.35 755.40 774.35
670.18 680.52 692.16 708.59 711.34 723.30 730.51 737.45 755.45 774.40
670.19 680.54 692.35 708.71 711.36 723.32 730.53 737.55 755.50 790.00
670.20 680.57 692.40 708.72 711.37 723.35 730.55 737.60 756.02 790.03
670.22 680.60 692.45 708.73 711.40 724.10 730.57 737.65 756.04 790.10
670.23 680.70 692.50 708.75 711.42 724.12 730.59 737.70 756.06 790.15
670.25 680.90 692.55 708.76 711.45 724.20 730.63 737.80 756.10 790.23
670.27 682.05 692.60 708.78 711.47 724.25 730.67 740.10 756.15 790.25
670.29 682.07 694.15 708.80 711.49 724.35 730.71 740.38 756.21 790.30
670.33 682.20 694.20 708.82 711.55 724.40 730.73 740.50 756.23 790.37
670.35 682.25 694.30 708.85 711.60 724.45 730.74 740.55 756.25 790.40
670.40 682.30 694.40 708.87 711.67 725.03 730.75 740.60 756.30 790.45
670.41 682.40 694.50 708.89 711.82 725.04 730.77 740.75 756.35 790.47
670.42 682.50 694.70 708.91 711.83 725.06 730.80 740.80 756.40 790.50
670.43 682.52 696.05 708.93 711.84 725.10 730.81 741.06 756.45 790.55
670.50 682.55 696.10 709.01 711.86 725.12 730.85 741.10 756.50 790.59
670.52 682.60 696.15 709.03 711.88 725.14 730.86 741.15 756.55 790.60
670.54 682.70 696.30 709.05 711.90 725.16 730.88 741.25 756.60 790.61
670.56 682.80 696.40 709.06 711.98 725.18 730.90 741.30 760.10 790.62
670.64 682.90 696.50 709.07 712.05 725.22 730.91 741.35 760.12 790.63
670.66 682.95 696.60 709.09 712.10 725.24 730.92 741.40 760.20 791.05
670.68 683.10 700.54 709.10 712.12 725.26 730.93 741.50 760.30 791.10
670.70 683.15 702.15 709.11 712.15 725.30 731.05 745.04 760.32 791.15
670.72 683.20 702.20 709.13 712.20 725.32 731.06 745.10 760.34 791.17
670.74 683.30 702.25 709.15 712.25 725.34 731.10 745.20 760.36 791.19
670.90 683.32 702.28 709.17 712.27 725.36 731.20 745.25 760.38 791.25
672.15 683.40 702.30 709.19 712.47 725.38 731.22 745.28 760.40 791.30
672.20 683.50 702.32 709.21 712.49 725.40 731.24 745.30 760.42 791.35
672.22 683.60 702.37 709.23 713.07 725.46 731.26 745.34 760.45 791.45
672.25 683.65 702.40 709.25 713.09 725.47 731.42 745.45 760.50 791.48
674.10 683.70 702.47 709.27 713.11 725.50 731.44 745.50 760.52 791.50
674.20 683.90 702.85 709.40 713.15 725.52 731.60 745.52 760.54 791.54
674.30 683.95 702.90 709.45 713.17 726.05 732.40 745.54 760.56 791.57
674.32 684.10 702.95 709.50 715.20 726.10 732.50 745.56 760.58 791.60
674.35 684.15 703.25 709.54 720.80 726.15 732.52 745.58 766.20 791.65
674.40 684.20 703.30 709.55 720.92 726.20 732.60 745.60 770.05 791.70
674.42 684.30 703.35 709.56 721.10 726.25 732.62 745.63 770.07 791.75
674.50 684.40 703.40 709.57 722.02 726.40 734.05 745.65 770.10 791.80
674.52 684.62 703.45 709.61 722.04 726.45 734.15 745.66 770.30 791.90
674.53 684.64 703.50 709.63 722.10 726.50 734.20 745.67 770.40 792.10
674.55 684.70 703.55 709.66 722.12 726.52 734.32 745.68 770.45 792.22
674.56 685.10 703.60 710.04 722.16 726.55 734.42 748.05 770.70 792.30
674.60 685.25 703.70 710.06 722.18 726.60 734.45 748.10 770.80 792.32
674.70 685.40 703.72 710.08 722.30 748.12 771.20 792.40
771.25

ANNEX III

TSUS item

106.60	145.24	168.50	304.48	419.60	511.51	612.03	684.50	730.27	748.20
106.70	145.60	176.01	304.58	420.78	512.44	612.06	685.24	730.39	748.40
107.48	146.12	176.02	305.20	421.46	514.11	613.18	685.90	730.41	750.05
111.15	146.44	190.10	305.22	421.90	514.54	618.29	686.30	730.65	750.35
121.50	147.33	192.85	305.28	422.76	516.71	624.42	688.10	731.30	750.40
121.52	147.80	200.91	305.30	425.32	516.73	628.90	688.40	731.50	751.05
121.54	148.35	202.60	305.40	426.94	516.76	646.06	692.27	734.10	751.20
130.40	148.72	202.62	306.52	428.92	517.21	646.82	694.60	734.25	760.65
130.63	148.77	206.45	306.53	437.16	517.24	646.86	696.35	734.30	771.05
131.35	149.15	206.60	319.01	437.64	518.41	646.98	702.08	734.34	772.03
135.80	149.50	206.95	319.03	446.10	520.35	647.10	702.14	734.40	772.35
135.90	152.00	222.10	319.05	455.16	520.37	649.37	702.35	734.51	772.97
136.00	152.43	222.42	319.07	461.05	523.61	650.87	702.45	734.54	773.10
136.80	152.72	240.02	335.50	461.15	531.04	651.01	703.20	734.56	773.20
136.98	153.02	240.10	347.30	465.70	535.31	652.36	703.65	734.60	774.20
137.40	153.08	240.12	355.04	470.57	540.47	653.85	706.40	737.40	774.60
137.75	155.20	240.25	360.35	472.48	544.11	656.20	708.41	737.50	790.07
138.05	155.35	240.38	364.18	473.36	545.53	661.65	710.30	737.95	790.39
140.09	155.40	240.60	364.35	473.52	545.65	672.10	713.05	740.05	790.70
140.14	155.75	245.45	365.05	473.56	547.51	676.20	713.19	740.30	791.20
140.16	156.45	256.60	365.14	493.20	602.30	676.52	722.14	740.70	792.50
141.35	168.15	256.85	403.78	493.21	603.45	678.50	725.20	741.20	792.60
141.55	168.18	304.04	416.10	511.31	605.60	683.80	726.70	745.08	792.75
141.70	168.23	304.40	418.28	511.41	610.56				

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2463, 2464 of this title.

§ 2463. Eligible articles.

(a) Lists of articles to be considered for designation.

The President shall, from time to time, publish and furnish the International Trade Commission with lists of articles which may be considered for designation as eligible articles for purposes of this subchapter. Before any such list is furnished to the Commission, there shall be in effect an Executive order under section 2462 of this title designating beneficiary developing countries. The provisions of sections 2151, 2152, 2153, and 2154 of this title shall be complied with as though action under section 2461 of this title were action under section 2111 of this title to carry out a trade agreement entered into under section 2111 of this title. After receiving the advice of the Commission with respect to the listed articles, the President shall designate those articles he considers appropriate to be eligible articles for purposes of this subchapter by Executive order.

(b) Eligible articles qualifying for duty-free treatment.

The duty-free treatment provided under section 2461 of this title with respect to any eligible article shall apply only—

(1) to an article which is imported directly from a beneficiary developing country into the customs territory of the United States; and

(2) (A) if the sum of (i) the cost or value of the materials produced in the beneficiary developing country plus (ii) the direct costs of processing operations performed in such beneficiary developing country is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States; or

(B) if the sum of (i) the cost or value of the materials produced in 2 or more countries which are members of the same association of countries which is treated as one country under section 2462(a)(3) of this title, plus (ii) the direct costs of processing operations performed in such countries is not less than 50 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

For purposes of paragraph (2)(A), the term "country" does not include an association of countries which is treated as one country under section 2462(a)(3) of this title but does include a country which is a member of any such association. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection.

(c) Articles which may not be designated as eligible articles.

(1) The President may not designate any article as an eligible article under subsection (a) of this section if such article is within one of the following categories of import-sensitive articles—

(A) textile and apparel articles which are subject to textile agreements,

(B) watches,

(C) import-sensitive electronic articles,

(D) import-sensitive steel articles,

(E) footwear articles specified in items 700.05 through 700.27, 700.29 through 700.53, 700.55.23 through 700.55.75, and 700.60 through 700.80 of the Tariff Schedules of the United States.

(F) import-sensitive semimanufactured and manufactured glass products, and

(G) any other articles which the President determines to be import-sensitive in the context of the Generalized System of Preferences.

(2) No article shall be an eligible article for purposes of this subchapter for any period during which such article is the subject of any action proclaimed pursuant to section 2253 of this title or section 1862 or 1981 of this title. (Pub. L. 93–618, title V, § 503, Jan. 3, 1975, 88 Stat. 2069.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in subsec. (c)(1)(E), are set out in section 1202 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1002 of this title.

§ 2464. Limitations on preferential treatment.

(a) Withdrawal, suspension, or limitation of duty-free treatment.

The President may withdraw, suspend, or limit the application of the duty-free treatment accorded under section 2461 of this title with respect to any article or with respect to any country; except that no rate of duty may be established in respect of any article pursuant to this section other than the rate which would apply but for this subchapter. In taking any action under this subsection, the President shall consider the factors set forth in sections 2461 and 2462(c) of this title.

(b) Withdrawal or suspension of designation as beneficiary developing country.

The President shall, after complying with the requirements of section 2462(a)(2) of this title, withdraw or suspend the designation of any country as a beneficiary developing country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary developing country under section 2462(b) of this title. Such country shall cease to be a beneficiary developing country on the day on which the President issues an Executive order revoking his designation of such country under section 2462 of this title.

(c) Designation, continuance of designation, or redesignation as beneficiary developing country notwithstanding increases in exports to United States.

(1) Whenever the President determines that any country—

(A) has exported (directly or indirectly) to the United States during a calendar year a quantity of an eligible article having an appraised value in excess of an amount which bears the same ratio to $25,000,000 as the gross national product of the United States for the preceding calendar year, as determined by the Department of Commerce, bears to the gross national product of the United States for calendar year 1974, or

(B) except as provided in subsection (d) of this section, has exported (either directly or indirectly) to the United States a quantity of any eligible article equal to or exceeding 50 percent of the appraised value of the total imports of such article into the United States during any calendar year,

then, not later than 60 days after the close of such calendar year, such country shall not be treated as a beneficiary developing country with respect to such article, except that, if before such 60th day, the President determines and publishes in the Federal Register that, with respect to such country—

(i) there has been an historical preferential trade relationship between the United States and such country,

(ii) there is a treaty or trade agreement in force covering economic relations between such country and the United States, and

(iii) such country does not discriminate against, or impose unjustifiable or unreasonable barriers to, United States commerce,

then he may designate, or continue the designation of, such country as a beneficiary developing country with respect to such article.

(2) A country which is no longer treated as a beneficiary developing country with respect to an eligible article by reason of this subsection may be redesignated, subject to the provisions of section 2462 of this title, a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in paragraph (1) of this subsection during the preceding calendar year.

(d) Domestic non-production of likely or directly competitive articles.

Subsection (c)(1)(B) of this section does not apply with respect to any eligible article if a like or directly competitive article is not produced on January 3, 1975, in the United States.

(e) Coffee imported into Puerto Rico.

No action pursuant to section 2461 of this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 1319 of this title on coffee imported into Puerto Rico. (Pub. L. 93–618, title V, § 504, Jan. 3, 1975, 88 Stat. 2070.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1202 of this title.

§ 2465. Time limit on duty-free treatment; report to Congress covering operation of preferences program.

(a) No duty-free treatment under this subchapter shall remain in effect after the date which is 10 years after January 3, 1975.

(b) On or before the date which is 5 years after January 3, 1975, the President shall submit to the Congress a full and complete report of the operation of this subchapter. (Pub. L. 93–618, title V, § 505, Jan. 3, 1975, 88 Stat. 2071.)

SUBCHAPTER VI.—GENERAL PROVISIONS

§ 2481. Definitions.

For purposes of this chapter—

(1) The term "duty" includes the rate and form of any import duty, including but not limited to tariff-rate quotas.

(2) The term "other import restriction" includes a limitation, prohibition, charge, and exaction other than duty, imposed on importation or imposed for the regulation of importation. The term does not include any orderly marketing agreement.

(3) The term "ad valorem" includes ad valorem equivalent. Whenever any limitation on the amount by which or to which any rate of duty may be decreased or increased pursuant to a trade agreement is expressed in terms of an ad valorem percentage, the ad valorem amount taken into account for purposes of such limitation shall be determined by the President on the basis of the value of imports of the articles concerned during the most recent representative period.

(4) The term "ad valorem equivalent" means the ad valorem equivalent of a specific rate or, in the case of a combination of rates including a specific rate, the sum of the ad valorem equivalent of the specific rate and of the ad valorem rate. The ad valorem equivalent shall be determined by the

President on the basis of the value of imports of the article concerned during the most recent representative period. In determining the value of imports, the President shall utilize, to the maximum extent practicable, the standards of valuation contained in section 1401a or 1402 of this title applicable to the article concerned during such representative period.

(5) An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article. For purposes of this paragraph, the unprocessed article is at an earlier stage of processing.

(6) The term "modification", as applied to any duty or other import restriction, includes the elimination of any duty or other import restriction.

(7) The term "existing" means (A) when used, without the specification of any date, with respect to any matter relating to entering into or carrying out a trade agreement or other action authorized by this chapter, existing on the day on which such trade agreement is entered into or such other action is taken; and (B) when used with respect to a rate of duty, the nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) set forth in rate column numbered 1 of schedules 1 through 7 of the Tariff Schedules of the United States on the date specified or (if no date is specified) on the day referred to in clause (A).

(8) A product of a country or area is an article which is the growth, produce, or manufacture of such country or area.

(9) The term "nondiscriminatory treatment" means most-favored-nation treatment.

(10) The term "commerce" includes services associated with international trade.

(Pub. L. 93–618, title VI, § 601, Jan. 3, 1975, 88 Stat. 2071.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in par. (7), are set out in section 1202 of this title.

§ 2482. Exercise of functions of International Trade Commission.

(a) In order to expedite the performance of its functions under this chapter, the International Trade Commission may conduct preliminary investigations, determine the scope and manner of its proceedings, and consolidate proceedings before it.

(b) In performing its functions under this chapter, the Commission may exercise any authority granted to it under any other Act.

(c) The Commission shall at all times keep informed concerning the operation and effect of provisions relating to duties or other import restrictions of the United States contained in trade agreements entered into under the trade agreements program.

(Pub. L. 93–618, title VI, § 603, Jan. 3, 1975, 88 Stat. 2073.)

§ 2483. Consequential changes in Tariff Schedules of the United States.

The President shall from time to time, as appropriate, embody in the Tariff Schedules of the United States the substance of the relevant provisions of this chapter, and of other Acts affecting import treatment, and actions thereunder, including modification, continuance, or imposition of any rate of duty or other import restriction. (Pub. L. 93–618, title VI, § 604, Jan. 3, 1975, 88 Stat. 2073.)

REFERENCES IN TEXT

The Tariff Schedules of the United States, referred to in text, are set out in section 1202 of this title.

IMPLEMENTING THE GENERALIZED SYSTEM OF PREFERENCES

For provisions relating to the implementation of the Generalized System of Preferences by making consequential changes in the Tariff Schedules of the United States, see Ex. Ord. No. 11888, Nov. 24, 1975, 40 F.R. 55276, set out as a note under section 2462 of this title.

§ 2484. International drug control.

The President shall submit a report to Congress at least once each calendar year listing those foreign countries in which narcotic drugs and other controlled substances (as listed under section 812 of Title 21) are produced, processed, or transported for unlawful entry into the United States. Such report shall include a description of the measures such countries are taking to prevent such production, processing, or transport. (Pub. L. 93–618, title VI, § 606, Jan. 3, 1975, 88 Stat. 2073.)

§ 2485. Voluntary limitations on export of steel to United States.

No person shall be liable for damages, penalties, or other sanctions under the Federal Trade Commission Act or the Antitrust Acts (as defined in section 44 of Title 15), or under any similar State law, on account of his negotiating, entering into, participating in, or implementign an arrangement providing for the voluntary limitation on exports of steel and steel products to the United States, or any modification or renewal of such an arrangement, if such arrangement or such modification or renewal—

(1) was undertaken prior to January 3, 1975, at the request of the Secretary of State or his delegate, and

(2) ceases to be effective not later than January 1, 1975.

(Pub. L. 93–618, title VI, § 607, Jan. 3, 1975, 88 Stat. 2073.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in text, is classified to section 41 et seq. of Title 15, Commerce and Trade.

§ 2486. Trade relations with Canada.

It is the sense of the Congress that the United States should enter into a trade agreement with Canada which will guarantee continued stability to the economies of the United States and Canada. In order to promote such economic stability, the President may initiate negotiations for a trade agreement with Canada to establish a free trade area covering the United States and Canada. Nothing in this section shall be construed as prior approval of any

legislation which may be necessary to implement such a trade agreement. (Pub. L. 93–618, title VI, § 612, Jan. 3, 1975, 88 Stat. 2076.)

§ 2487. Limitation on credit to Russia.

After January 3, 1975, no agency of the Government of the United States, other than the Commodity Credit Corporation, shall approve any loans, guarantees, insurance, or any combination thereof, in connection with exports to the Union of Soviet Socialist Republics in an aggregate amount in excess of $300,000,000 without prior congressional approval as provided by law. (Pub. L. 93–618, title VI, § 613, Jan. 3, 1975, 88 Stat. 2076.)